

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert *(QA/OP with OAR & OW)*

Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan, and Methane

I was pleased to see two early actions from the President to issue:

- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” rule*, and
- Executive Order 13783 on *Promoting Energy Independence and Economic Growth*.

I have a number of concerns with the WOTUS rule’s flawed history -- it was originally proposed before the scientific studies were complete, the Small Business Association believed EPA should have conducted a Small Business Advocacy Review Panel prior to releasing the rule, and in December 2016 the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote rule.

In my opinion, the only clarity that the WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications. It was a clear example of Federal overreach.

The FY17 Omnibus included language asking EPA (and the Department of the Interior) to keep the Committee apprised of actions to comply with the Executive Order to promote energy independence and economic growth. For EPA, there were a number of specific directives within the Executive Order related to the Clean Power Plan, the methane rule, and other regulations.

Calvert Q1: Please provide an update on what steps the Agency is taking to comply with these Executive orders.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Calvert Q2: Where is the agency in the process with respect to each of those rules?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Superfund and Brownfields: Budget Request vs. Needs - OLEM

The 2018 budget proposes a 31% reduction for the Superfund program, a \$327 million decrease from the FY17 enacted level. This includes a \$203 million decrease for direct Superfund cleanup activities, which would prevent new cleanups from starting and slow ongoing cleanups.

For Brownfields, the 2018 budget proposes an \$11 million reduction for the project grants, and a \$14 million reduction for the categorical grants.

Both of these programs support land cleanup, job creation and economic redevelopment. I understand the overall pressure that the targets in the President's budget put on your Agency, so I'm not going to hold your feet to the fire on this. Further, I think it's safe to say on behalf of our full committee Chairman that we will take this proposal in a much different direction.

I understand you've created a Task Force to review Superfund contracts and program implementation to identify efficiencies as a way to further your commitment "to accelerate the

pace of cleanups”. That is a goal that I know we both share as we have over 1,300 sites on the National Priority List that need to be cleaned up.

We often cite the needs associated with water infrastructure because those are well-documented (roughly \$1 trillion).

Calvert Q3: Does EPA have similar estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Superfund Special Accounts -- \$3.2 billion Waiting to Spend on Cleanups (OLEM)

EPA has roughly \$3.2 billion in settlement agreements from responsible parties. These funds reside in Special Accounts for the cleanup of individual Superfund sites. That’s nearly 5 times the budget request for the program.

Calvert Q4: What, if anything, is required to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Simpson:

TMDL - OW

I am pleased that you mentioned TMDL's in your opening statement and a commitment from EPA to work with states and localities. I have met with Mayor's and city council members, and there is real fear in regards to the financial stress around and how these communities can meet and/or pay for costly upgrades to facilities. For example, Twin Falls recently invested \$38 million to upgrade their water treatment facility. However, the last Administration proposed lowering their TMDL for phosphorous by 98.5%. This would result in the city needing to upgrade their facilities again. The cost is estimated to be between \$60 and \$100 million.

Now, this is just the start of this issue. I met with Mayor's in the smaller towns near Twin Falls - Buhl, Jerome, Ammon, and Filer – and they surely can't afford these types of upgrades as these towns have smaller populations.

We did have success in Boise, Idaho, with a project called Dixie Drain that saved tens of millions of dollars by using a flexible innovative model to reduce phosphorous levels. This was a common sense approach that didn't hammer taxpayers with costly regulations. I hope this is a model we can use to help Twin Falls and other communities avoid massive rate increases.

Simpson Q1: Can we work together – along with Idaho Department of Environmental Quality - to review the TMDL process along the Mid-Snake and see what can be done to help these communities?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Simpson Q2: What are some of the approaches we can take to ensure these communities reach a solution that doesn't bankrupt ratepayers?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process



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Office of the Mayor

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September 16, 2016

Mr. Mike Simpson
US House of Representatives
2312 Rayburn Building
Washington, DC 20515

Re: SUMMARY OF THE CITY OF TWIN FALLS CONCERNS AS TO DRAFT NPDES PERMIT

Congressman Simpson:

The City of Twin Falls owns and operates a wastewater treatment plant that sends its treated effluent to the Middle Snake River. The Middle Snake River is not meeting water quality standards for nutrients. To address that issue, the State, working through its stakeholder Watershed Advisory Group, established a Total Maximum Daily Load (TMDL) for the river, which provided specific loading allocations for various discharging entities, including the City of Twin Falls. In the TMDL, the City is provided an allocation of 710 pounds of phosphorus per day. The TMDL was submitted to USEPA, and approved; the most recent version of the TMDL was approved by USEPA in 2005.

The TMDL allocation for the City was incorporated into the City's NPDES permit for the treatment plant. The most recent permit was issued in 2009. Since that permit was issued, the City has spent over \$32 million to make major improvements in the treatment plant, resulting in substantial reductions in the plant's nutrient discharge. The plant has always complied with its TMDL allocation; in fact, the plant currently discharges at levels that are roughly half of that allocation. During this time period, there has been substantial progress in implementing the TMDL, with many dischargers reducing their phosphorus levels being sent into the river.

Now, EPA is moving to issue the next NPDES permit for the City. In doing so, EPA has indicated that even though the TMDL is still EPA-approved, it will disregard the TMDL allocation for the City of 710 lbs/day, and instead impose a new limit of only 10 lbs/day. This new restriction will impose new costs on the City of \$60 to \$100 million, in a situation where the City has no readily available means to obtain that funding. Moreover, this action by EPA has larger policy implications; it will severely damage the TMDL program, and undermine the stakeholder-led process that Idaho and other States have used to develop and implement TMDLs. The overall effect will be counterproductive for the environment, as well as to the residents of Twin Falls and any other community that suffers similar treatment.

The basis for EPA's action, according to Agency staff, is that the current EPA-approved TMDL is "flawed," and therefore, EPA cannot rely on the TMDL allocations to develop limits for the City's new permit. Logic would indicate that if the TMDL is indeed "flawed," that EPA would tell the Idaho DEQ that the TMDL needs to be redone. However, EPA staff has stated that the Agency lacks the legal authority under the Clean Water Act to require the State to redo a "flawed" TMDL. In fact, EPA has done exactly that in a similar situation. When the State of Vermont developed a TMDL for Lake Champlain, EPA initially approved the TMDL. Then, after an environmental group filed suit against EPA, challenging the approval of the TMDL, EPA reversed itself, and announced that it would now withdraw its approval. As a result, a new TMDL had to be performed. EPA could do the exact same thing here; if the Agency honestly believes that the TMDL is "flawed," then the proper action to take is to withdraw the 2005 approval of the TMDL, and require that the State reassess the TMDL and make any needed revisions.

In fact, though, EPA's claim that the TMDL is "flawed" is itself flawed. It appears that EPA has two reasons for stating that there are problems with the TMDL. The first is a claim that the reductions in loadings called for in the TMDL will not be sufficient to bring the Middle Snake into attainment of standards. However, that claim ignores the substantial progress that has already been made in moving toward that goal. It was always understood that reaching attainment would take time; that was part of the discussion when the TMDL was developed. So the fact that the Middle Snake is not yet in attainment is not relevant to whether the TMDL is adequate; nobody expected the waterbody to be in attainment by this point. Moreover, the kinds of testing that need to be done to assess the biological health of the stream is being done right now, by the State. Those results will help the stakeholders better evaluate progress and determine if something more needs to be done, beyond what is already called for in the TMDL. EPA's claim that the TMDL is inadequate is, at best, premature, and at worst, simply inconsistent with the extended timeline that was always going to be needed to bring the Middle Snake River into attainment.

EPA's other claim of "flaws" is even more questionable. The Agency now states that the river flow on which the TMDL was based is incorrect. EPA wants to reduce the river flow estimate substantially from the one that was used in the TMDL. This makes a major difference in the loading reductions that will be required from the City; in fact, it accounts for most of the reduction in the allowed loading from 710 lbs/day to 10 lbs/day. But this change is problematic, for several reasons. For one thing, EPA wants to move to a very low flow estimate, similar to those that are used in estimating impacts of toxic pollutants. Using that low flow is appropriate for toxics, which have more impact when there is little water in the stream, and can have very short-term, acute impacts in those situations. But that is completely wrong to do for nutrients, whose impacts are much more watershed-based and long-term. EPA itself has allowed use of annual averages to calculate permit limits for nutrients in waters such as Chesapeake Bay, so requiring a low-flow estimate in the Middle Snake River simply makes no sense. Moreover, this change in policy by EPA amounts to a radical change in the assumptions used to develop the EPA-approved TMDL, and changing it through an individual permit, rather than by reexamining the TMDL, is the wrong way to make such an important policy change.

Even if, as EPA argues, there are "flaws" in the TMDL that is no reason to discard the TMDL process and instead impose new requirements in the City's NPDES permit. As noted above, if EPA honestly believes that the TMDL needs to be redone, then the Agency can withdraw its approval of the TMDL and require that it be redone. That process could be done quickly, by Idaho DEQ and the Watershed Advisory Group for the Middle Snake – probably within 2 years. During that time, the City could continue to operate under its existing permit – and continue to implement actions to further reduce its nutrient discharges. To instead issue a new permit, with a drastically reduced loading limit of 10 lbs/day (forcing the City to appeal that permit to the EPA Environmental Appeals Board and, possibly, to Federal court) would be unnecessary, as well as unfair. The unfairness stems from the fact that, instead of involving the entire stakeholder group, and fully reevaluating all aspects of the TMDL with full public input, EPA would be redoing the TMDL's loading limits for one discharger, in a process that involves only that entity and whoever else is interested in filing comments on that individual permit. Any new approach mandated by EPA for the City would not be applied consistently to all dischargers - unless EPA issues similar mandates for all permits, in which case one wonders why it would not be better to reopen the TMDL and deal with all at once, in the same forum, open to all.

Even more than being unfair, though, EPA's new mandate on the City would be illegal – simply contrary to the Agency's own rules. Those regulations (in 40 CFR 122.44(d)) require that permit limits must be "consistent with" the "assumptions and requirements" in a TMDL. The limits that EPA is proposing for the City would be blatantly inconsistent with those assumptions and requirements. The Agency would be reducing the City's allocation by 98.5%. Moreover, it would be fundamentally altering the flow basis on which all of the TMDL's loading allocations were derived. It is hard to see how those decisions are "consistent" with the assumptions and requirements in the TMDL. EPA's only defense appears to be that in a case years ago, the Agency's own Environmental Appeals Board allowed EPA to give the town of Moscow, Idaho less than its full allocation, since the full allocation would not be needed until a future expansion. That case is completely different from the Twin Falls situation, where EPA is claiming the authority to completely depart from the TMDL allocations and fashion entirely new, much more stringent limits for the same treatment plant that received the original TMDL-based limits.

Beyond being illegal, EPA's action would also be extremely counterproductive as a policy matter, because it would do serious damage to the TMDL program itself. States and stakeholders invest substantial time and effort in studying waterbodies and then developing and implementing TMDLs to restore those waterbodies. All of those parties understand, and rely on, the fact that the allocations arrived at in the TMDL process will form the basis for binding, enforceable permit limits for point sources. Yet here, EPA is claiming the authority to blithely disregard the allocations in a TMDL – without ever taking action to withdraw its approval of that TMDL – and then develop new permit limits itself, imposing those new requirements directly on just one of the many sources in the watershed. If that is the way that EPA is going to run the permits program going forward, why would any parties participate in a TMDL process? It would be clear from the outset that the TMDL process is irrelevant, since EPA could disregard its results at any time – even right after issuing its approval of the TMDL. If EPA truly wants the TMDL program to continue, and to encourage stakeholders to participate in that process, then it needs to honor the results of that process – particularly when it has approved the TMDL itself.

For all of the reasons laid out above, EPA needs to move away from its current direction as to the Twin Falls permit. Instead of imposing new, drastically lower phosphorus limits in the City's permit, EPA should focus its attention on working with Idaho DEQ and the Watershed Advisory Group to consider the Agency's concerns as to the TMDL and to make any necessary revisions to that TMDL – and to the loading allocations that are contained there. Once that process is complete, it would be appropriate to reissue permits for the City and other sources in the Middle Snake watershed, incorporating any revisions in allocations that result from reevaluation (and, if necessary, revision) of the TMDL. That is the appropriate process to follow under the Clean Water Act, and the City would plan to be an active and positive participant in that process going forward.

Sincerely,



Shawn Barigar
Mayor
City of Twin Falls

cc: James Neill
Legislative Assistant to Congressman Simpson
James.Neill@mail.house.gov

Travis Rothweiler
City Manager
City of Twin Falls



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May 9, 2017

Senator Mike Crapo
239 Dirksen Senate Office Building
Washington, D.C. 20510

Senator James E. Risch
483 Russell Senate Office Building
Washington, D.C. 20510

Congressman Mike Simpson
2084 Rayburn House Office Building
Washington, D.C. 20515

Dear Idaho Senators and Congressman,

I am writing on behalf of the Eastern Idaho Regional Waste Water Authority (EIRWWA), which operates the Oxbow Wastewater Treatment Plant located in Shelley, Idaho. There are four members of EIRWWA, namely, the City of Ammon, the City of Shelley, Bonneville County, and Bingham County. I serve on the board of EIRWWA associated with my role as a member of the Ammon City Council.

The purpose of this letter is to request that EIRWWA receive your assistance in working with the regional office of the Environmental Protection Agency (EPA), located in Seattle, Washington.

By way of quick background, EIRWWA obtained its discharge permit effective June 1, 2014. In that permit, EPA gave EIRWWA a phosphorus compliance schedule for cessation of discharge or partial cessation of discharge. The compliance schedule required certain actions to be taken according to a very strict timeline.

It is also important for you to understand that EIRWWA is a regional authority and not a taxing district, and therefore has no ability to obtain additional financing or incur debt to fulfill the requirements set by the EPA. Accordingly, EIRWWA is also considering a plan to become a sewer district, but the timeline and requirements for doing that are also very time consuming and will require much effort.

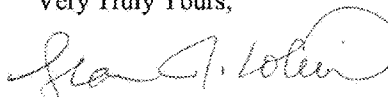
In 2015, EIRWWA came to the realization that it needed more time from EPA to satisfy its phosphorus requirements, given that it also needed to move toward a district. Representatives of EIRWWA contacted the EPA representative, John Drabek, on several occasions between May 1, 2015 and April 4, 2017, but the EPA has not been quick to respond or provide EIRWWA with any guidance. Mr. Drabek did call the EIRWWA engineer once in April of 2016 and said that he would speak with others in his agency about what they could do, but EIRWWA never heard anything back. In short, dealing with the EPA has been extremely difficult. A copy of the written correspondence to the EPA is enclosed with this letter, for your reference.

As a result, we felt that our only option was to request assistance from our elected representatives. We are asking for your assistance in helping us communicate with and come to some resolution with the EPA concerning this issue. As you are aware, sewer and septic systems are of critical importance to Idaho towns and cities. It is imperative that we are able to communicate effectively with the EPA to be able to serve those citizens we represent.

I am copying your regional office managers on this letter, as I spoke with them over the past two weeks and they requested that I write you this letter directly.

As this matter is of urgent importance, we ask for your quick assistance. Please contact me anytime at 208-520-9856, or at scoletti@cityofammon.us.

Very Truly Yours,



Sean J. Coletti

Cc: Kathryn Hitch, Amy Taylor, Ethan Huffman

Enclosures



CITY OF FILER



6 June 2017

Office of the Mayor

Dear Congressman Mike Simpson

We, the city council members, want to thank you for your help with arsenic issue for the City of Filer. Even though we will still need to build a plant, your help softened the impact it had on our citizens.

This letter is in response to your request at our last meeting 10th of May on the EPA and the current phosphorous rule. We need to get some realistic figures on the phosphorous issue.

Phosphorous is such a common naturally occurring element that any small amount of discharge from rural communities will have such a minimal effect on the overall scheme of things.

Even though time maximum daily limits (TMDL) have not been changed at this time, there is talk that the EPA is considering reducing the current TMDL by 95%. Our resources tell us that current technology isn't available to accomplish these levels.

No one wants to destroy the environment but in the future TMDL should be based only on facts.

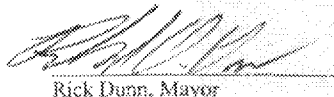
Here are some thoughts on how to fix the out of control EPA.

1. Creating more Districts in smaller communities not just within large cities. The smaller communities under 40,000 people are impacted more financial than large cities.
2. Rescind Executive Order 13693 dated March 19, 2015 as soon as possible that has just turned EPA loose to do what they want.
3. No rules should be made without at least a 20 yrs studies by independent research groups or universities on any type of environment study where there are cycles of nature involved.
4. New limits set will have to come before a panel of seven. For example, one member from the EPA, State Agency, local farmer, the Mayor, and/or other members that are involved with the issue. Both by health hazard and economical impact. Then forwarded to congress for a final judgment.
5. All limits set must be achievable by current technologies. The EPA shouldn't have the power to force unfunded mandates on cities.

The environment is important to people and shouldn't be destroyed, but real facts and understanding of issues should be considered before forcing cities with tasks that they aren't able to accomplish, either financially or physically.

Sincerely,

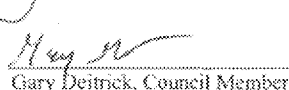
The City Council of Filer


Rick Dunn, Mayor


Ruby Allen, President Council


Bud Sheridan, Council Member


Christina Hatch, Council Member


Gary Deitrick, Council Member

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THE CITY OF FILER IS AN EQUAL OPPORTUNITY PROVIDER. TO FILE A COMPLAINT OF DISCRIMINATION WITH THE DIRECTOR, OFFICE OF CIVIL RIGHTS, 1100 INDEPENDENCE AVENUE, S.W., WASHINGTON, D.C. 20540-9140 OR CALL (800) 795-6272 (TDD), OR (202) 726-6024 (TDD).

Ecolabels - OCSP

In the 2017 Consolidated Omnibus Appropriations Bill, we asked for the agency to provide a report on the Ecolabel program within 60 days of enactment, asking that as you develop the guidelines and evaluate ecolabels for federal purchasing in building construction that the process be fair, transparent, and consistent with other product requirements.

I'm most interested in the part of the process that looks at labels associated with forest management. I want to ensure that our federal government's procurement system includes recognition of forest products from the millions of acres of responsibly managed forests across the US. Unfortunately, as I understand it, the former administration's EPA issued 2015 procurement recommendations that excludes forest products from 83 million acres of private and state forestlands, as well as several hundred million acres of other private and public forestlands including the entire National Forest System, from participation in federal procurement efforts by discriminating against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS). And all this, despite the fact, that the only statutory authority any agency has is USDA, through its Bio-preferred Program authorized by Congress, which sets mandatory purchasing requirements for federal agencies and puts all certification programs on a level playing field. In December 2016, EPA said this recommendation was "under review". I remain concerned about further actions that EPA will take on its program.

Simpson Q3: Can you provide us with a status update on the report called for in the Consolidated Omnibus Bill?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Simpson Q4: What steps can you take to ensure your agency's efforts on the Ecolabel program avoids creating conflicting federal procurement policies and doesn't exclude US grown and manufactured forest products?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Stewart:

Serious Non-attainment Areas (OAR)

Recently, much of Northern Utah was classified as a serious non-attainment area. As you know, once a region is designated as serious non-attainment it's almost impossible to shed that designation – even if air quality improves to meet minimum federal standards.

Stewart Q1: Under your leadership, will EPA demonstrate to the states how they can exit non-attainment and serious non-attainment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Amodei:

State Obligation (Office of Budget)

Amodei Q1: If the cuts to state grant funding contained in the EPA's FY18 budget proposal are adopted, does EPA also intend to proportionally adjust the required obligations on states to implement federal environmental programs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q2: If not, what is EPA's proposed solution for addressing this policy and funding the discrepancy? Does EPA expect state and local governments to make-up for the shortfall?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Comprehensive Environmental Response, Compensation and Liability Act - OLEM

Nevada is the U.S. leader in responsibly regulating mining activities that adequately protect the environment while supporting a thriving mining industry. This successful framework creates tangible opportunities for the EPA to demonstrate a commitment to cooperative federalism. A key near-term opportunity under this model is EPA's proposed regulations under CERCLA to ensure financial responsibility for operating hard rock mines. Nevada has outpaced the EPA in this area through the Nevada Division Environmental Protection comprehensive mining financial assurance program.

Amodei Q3: How does the EPA plan to recognize and ensure the continued success of Nevada's pre-existing state-based program?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Waters of the United States (OW)

Because states are primary implementers of federal rules, state input into rulemaking early in the process, well before a rule is formally proposed, is critical to an effective and efficient regulatory program. EPA's review of the Water of the United States rule is key example.

Amodei Q4: Does the EPA plan to include state environmental agencies as co-regulators in the development of a new WOTUS definition to ensure effective implementation if a final rule is pursued?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Renewable Fuel Standards (OAR)

Regarding renewable fuel standards, there was a petition filed with the EPA to move the point of obligation for blending renewable fuel from refineries and importers to the marketers who operate the pumps. I've been informed from several marketers in my state, most of which are family-owned businesses, that this would severely impact their operations and cause significant job loss. I've also heard this effort is being led by one major refinery in particular.

Amodei Q5: Can you tell me how the EPA views this petition now that the comment period has closed, and if changing the obligated parties from big refiners to the mom-and-pop marketers is something the EPA is considering?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q6: Under the same policy – RFS point of obligation – does EPA make a distinction between obligated parties and position holders?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I have seen estimates that there are currently 200 obligated parties under the RFS. Now, merchant refiners have suggested that we should expect about 1000 obligated parties were the point of obligation to be moved. Obviously, Nevada has terminal operators that could certainly become obligated parties. Some of those terminal operators also have multiple other “position holders” that would also become obligated parties under such a change. In my example, as far as EPA is concerned from a compliance standpoint: (1) unobligated terminal would become (4) new obligated parties because of the three “position holders” that use the terminal. If you multiply this across the country, instead of 1,000 points of obligation as merchant refiners contend, you could actually have 4,000 or more.

Amodei Q7: Given the President’s budget proposal, can the EPA effectively and economically manage a program that could potentially become more complicated by a factor of x 10?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Renewable Fuel Standard (RFS) Blend Wall - OAR

There is scientific evidence showing ethanol blends above 10 percent can harm vehicles and is incompatible with the existing retail gasoline infrastructure.

Amodei Q8: What is EPA doing to ensure that the annual RFS-mandated volumes protect the current U.S. vehicle fleet and existing retail infrastructure?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

ENERGY STAR Program - OAR

The FY18 President's Budget proposes eliminating the ENERGY STAR program from the EPA's budget and states these types of programs can be administered by the private sector. Privatizing the program would increase the cost and scope of the program and reduce its credibility to the public. For example, multiple organizations could manage the brand for differing products and have differing objectives. These private organizations also would not be cost conscious because there would be no competition. They could force manufacturers to pay high fees and require burdensome and expensive testing. For home appliances, ENERGY STAR is effectively mandatory in the marketplace. Instead of privatizing the program, we should reform it, right size it and make it more efficient. The first way you can do this is to move home appliances, which are regulated by DOE for the minimum energy standards, back to DOE for the ENERGY STAR program. DOE has historically managed most of the ENERGY STAR program for home appliances because this agency has the expertise and knowledge of the products. However, in 2009, the ENERGY STAR program for home appliances were transferred from DOE to EPA to be managed, while DOE continued to manage the test procedures.

Amodei Q9: Will you work with the committee on this matter and commit to moving the entire ENERGY STAR program home appliances to DOE immediately?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Refrigerator Refrigerant Charge Size

On December 20, 2011, the EPA's Significant New Alternatives Policy (SNAP) program allowed the use of Isobutane in household refrigerators. The final rule included a use condition that limits the refrigerant charge to 57 grams or less for each sealed refrigeration system (i.e., compressor, condenser, evaporator, and refrigerant piping). The charge size is the amount of refrigerant that is allowed in each sealed refrigerant system within a refrigerator. The SNAP rule based the charge size amount on the Underwriters Laboratories safety standard for household refrigeration end-use, which limited the quantity of the refrigerant (i.e., "charge size") in a

refrigerator or freezer to 57 grams. In EPA's final rule, the agency stated that they do not have sufficient information to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335-2-24. The final rule stated EPA understands that the limit in UL 250 may change in the future. If that occurs, and if the appropriate safety testing data is submitted to EPA supporting safe use of a larger charge, EPA stated it would consider modifying the use conditions.

Based on testing and lengthy analysis, on April 28, 2017, the maximum charge size allowance in the UL standard was changed and increased from 57 grams to 150 grams. During the approval process of this update, the Consumer Product Safety Commission (CPSC) staff stated that they do not oppose the proposal to increase the maximum flammable refrigerant charge size in household refrigerators to 150 grams from 57 grams. They stated that standards in Latin America, Europe, and other countries allow household refrigerators to use up to 150 grams of flammable refrigerant.

It is my understanding that EPA has sent the rule to OMB to update the SNAP use condition to increase the allowable charge size to match the most recent safety standard, which is 150 grams. I am appreciative of your quick action on this important matter; however, we need to make sure it gets out of OMB quickly. I wanted to be sure that you were aware of the importance of this matter to expedite this technical change. Appliance manufacturers need certainty in this area to start planning and designing their products to meet the EPA required date of 2021 when HFCs are banned for use in refrigerators.

OAR

Amodei Q10: Can you please continue to make sure this is a high priority action for OMB to complete?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Jenkins:

National Ambient Air Quality Standards (OAR)

Recently, EPA announced it would be extending the timeline for the 2015 ozone standards. In making that decision, the EPA cited several issues in need of further review.

Thank you for this action and your consideration of these issues.

All counties in West Virginia now meet the 2015 standards, and we are proud of that progress. Despite this fact, potential EPA actions threaten affordable, reliable energy in West Virginia.

It is my understanding that the decision does not change several other implementation steps and actions that states must still undertake.

Petitions from other states would require West Virginia electricity generators to address nonattainment areas in those states or join the Ozone Transport Commission, despite the fact EPA does not require those areas to address their contributions first.

States like West Virginia, while meeting the standard, would still submit a state plan to address its "Good Neighbor" obligations by October 2018.

Jenkins Q1: What actions will EPA be taking to address state concerns regarding these interstate modeling results?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jenkins Q2: Do you agree that States, through the State Implementation Plan process, should be able to address interstate pollution?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The budget calls for approximately \$100.4 million for NAAQS.

QAR

Jenkins Q3: How much of that funding is to assist counties with achieving 2015 standards?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jenkins Q4: How much is being proposed to assist with State Implementation Plans and other administrative efforts?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. McCollum:

Implementation of FY 2017 Enacted Budget - OARM

It has come to the Committees attention that EPA notified unions representing Agency employees that EPA is halting funding for fitness subsidies during FY 2017.

The FY 2017 budget request did not propose such a reduction. Rather, the FY 2018 budget proposes to cut “support for employee wellness and worklife initiatives, such as federal cost sharing for fitness centers, health wellness and CPR/AED training services and libraries.”

It is wholly inappropriate for EPA to execute new FY 2018 budget proposals before Congress has had the opportunity to act on them.

Congress provided funding for these programs in the FY 2017 enacted bill. Bill language states that rescissions to the Science and Technology and Environmental Programs and Management account were to be applied to program project areas to, “to reflect changes to funding projections due to routine attrition during fiscal year 2017.” Therefore, it was not the intent of Congress to terminate funding for employee wellness and worklife initiatives.

McCollum Q1: The Reprogramming Guidelines for programs and activities funded in our bill specify that agencies should notify Congress of any significant departure from what has been described in the agency’s budget justification. The FY 2017 enacted anticipated fitness subsidies would be provided as part of the employees wellness package. If your intent is to do otherwise, why wasn’t Congress notified?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q2: The leading causes of death and disability in the United States are not only preventable but also responsive to workplace interventions. Worksite health and wellness programs help employees move toward an optimal state of wellness, and the U.S. Office of Personnel Management, in accordance with the authorization under 5 U.S.C. 7901, encourages agencies to develop and sustain programs that address the current and future needs of their employees to produce the healthiest possible workforce. What is the justification for eliminating the funding for fitness subsidies halfway through the fiscal year?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q3: How does halting the funding for fitness subsidies impact the collective bargaining agreement reached with unions representing EPA employees? What response have you received from the unions from your notification?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q4: How will EPA spend the funds that would have otherwise been used for fitness subsidies?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q5: What other reductions proposed in the FY 2018 budget request is EPA implementing in FY 2017?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Administrator Pruitt's Undisclosed Email Accounts (OA)

When I referred to a recently discovered official email address – esp@oag.ok.gov – that Administrator Pruitt used while Attorney General of Oklahoma but did not disclose despite repeated requests during his confirmation process, he volunteered this explanation “If I may, both in my oral testimony, as well as there’s a letter actually that I submitted to the EPW Committee in May that recognized multiple state email accounts... so we’ve informed Committee, that was consistent with my oral testimony.”

McCollum Q6: Please provide the relevant excerpt(s) from Administrator Pruitt’s oral testimony and the letter he referenced. Additionally, please provide the relevant questions for the record and his responses.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q7: Administrator Pruitt committed to provide our committee with the email addresses and information about other forms of electronic communication that he is using as EPA Administrator. Please provide those details.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Congressional Inquiries (OA/OCIR)

McCollum Q8: What is the policy at the Department with regard to responses to congressional inquiries?

Answer:

Ex. 5 - Deliberative Process

McCollum Q9: More specifically, is there a policy or guidance that would prohibit or delay responses to Ranking Members of Congressional Committees or Subcommittees of jurisdiction?

Answer:

Ex. 5 - Deliberative Process

McCollum Q10: Is there a policy or guidance that would prohibit or delay responses to Democratic Members of Congress?

Answer: **Ex. 5 - Deliberative Process**

McCollum Q11: If such policies or guidance are in place to prohibit or delay responses to Ranking Members or all Democratic Members, was such developed in consultation with the White House or the Office of Management and Budget?

Answer: **Ex. 5 - Deliberative Process**

Overview (Office of Budget)

The FY 2018 Budget request for the Environmental Protection Agency is \$5.66 billion, a reduction of \$2.4 billion or 30% below the FY 2017 enacted level as well as reduction of one quarter of the staff. These cuts address almost every program for clean air and water and threaten the health of children and the elderly.

McCollum Q12: Administrator Pruitt has stated he wants EPA to go back to the basics of protecting our air, water, and land, but the budget makes major cuts in air, water, waste, chemical safety, pesticides, enforcement, and research, not to mention the reductions you propose in categorical grants to states. How can a budget like this not jeopardize the health and well-being of Americans as well as all who inhabit the Earth?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q13: Can Administrator Pruitt assure the Committee that he does not want to see this Nation's environmental progress rolled back?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q14: What analysis did EPA do to determine the impact of the proposed reductions on health and environmental protection?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q15: How many more deaths, heart attacks, hospitalizations and lost work days Americans will suffer as a result of these reductions?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q16: If no specific analysis was done on these metrics of these reductions, what basis does the Agency have for saying EPA and states can adequately protect public health and the environment?

The budget also proposes to cut categorical grants to states by either 30% or zero them out completely, and eliminate 46 programs. EPA and the states together have made major progress in improving public health and environmental quality over the years.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q17: On what basis did EPA decide what is and is not a core statutory responsibility, and how do the Agency reconcile such drastic cuts in core programs with Administrator Pruitt's previous statements about the mission of EPA?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q18: What type of analysis did EPA conduct on the 46 programs it proposes to eliminate?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q19: Please provide that analysis to the Committee, specifically the data on the impact to the health of families and communities across this country that will result from these eliminations.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q20: Please include information on the other agencies or programs will do this work in the absence of federal funding.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q21: If the Agency has not done any detailed analysis, on what basis does EPA justify its decision to eliminate these programs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is acceptable and if so, on what basis and with what training?

Answer:

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

ORD

McCollum Q25: Can Administrator Pruitt assure the Committee that he will uphold scientific integrity policies at the EPA, allow EPA scientists to do their work unimpeded and guarantee that Americans will have access to the research and information they have paid for?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q26: What assurance can EPA give the Committee that the EPA Office of Research and Development and EPA's science labs will be fully supported to conduct critical independent science that is the basis for protecting the public?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q27: With EPA's current hiring freeze are key technical positions at the agency currently filled with qualified scientists free from conflict of interest?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q28: Since 1970, EPA and states, working in partnership, have achieved major improvements in human health and environmental protection, but threats such as contaminated runoff that pollutes our waters, endocrine disruptors, and new emerging threats need to be addressed. How can EPA possibly have the necessary resources and staff to protect human health, the environment, and our economy?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q29: EPA is obligated to uphold specific statutory responsibilities to protect human health and the environment, how can EPA assure this Committee that with the draconian cuts proposed in this budget that it can meet those mandates, especially with more than a third fewer scientists and a 30% reduction in funding?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(QAR)

McCollum Q30: In 2007 the Supreme Court ruled in Massachusetts v. Environmental Protection Agency that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO2 based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD/OECA)

McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Administrator's Schedule and Travel Budget

(04)

McCollum Q34: Does the EPA plan to regularly release the Administrator's schedule to the public?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OECA)

McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail

provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(Q4)

McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Voluntary Programs

Ex. 5 - Deliberative Process

McCollum Q39: The budget calls for eliminating all of the voluntary partnership programs for reducing greenhouse gases and other air pollution. These programs, which have bi-partisan and industry support, are proven to lower emissions. How will you make up for the emission benefits that are lost?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hydrofluorocarbons

Ex. 5 - Deliberative Process

McCollum Q40: The budget states that the EPM account for the GHG Reporting Program is being cut to "streamline", among other things, the use and emissions of the greenhouse gases,

hydrofluorocarbons, under the Clean Air Act SNAP program. What does EPA mean by “streamlining” the program? What would change about the very important work this program does?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. Global Change Research Program

Ex. 5 - Deliberative Process

McCollum Q41: Also being “streamlined” as part of the budget cuts to the GHG Reporting Program is the technical support EPA provides to the U.S. Global Change Research Program. What do is meant by “streamlining” that support? Describe what support has EPA provided to date and how will that support change.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Water pollution -

OW

McCollum Q42: The budget proposes to eliminate state grants for non-point source pollution programs, when contaminated runoff and other non-point pollution is a principle cause of water quality problems. It also proposes to cut other state water grants, surface water and marine protection funding for EPA, and eliminate the national estuaries program. How is cutting EPA and state capacity consistent with improving the quality of our nation’s waters?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OW

McCollum Q43: In April, Administrator Pruitt paused clean water protections against coal plants dumping toxic metals such as arsenic and mercury from power plants into public waterways that can infiltrate community drinking water intakes. How much of this coal ash sludge is safe in the drinking water supply?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q44: EPA's postponement is being challenged in a federal court and Administrator Pruitt has been criticized for only focusing on the potential costs of the rule while ignoring its benefits and endangering wildlife and exposing families that live near coal plants to heavy metals that can cause problems with cognitive development in children. Why did EPA disregard years of peer-reviewed studies, input from health experts and public comments supporting these protections?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q45: How is the Agency reconciling the difference in the impacts on jobs associated with compliance as estimated by EPA with the impact purported by the industry's analysis?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Office of Water - OW

McCollum Q46: The FY 2018 budget cuts clean drinking water programs by 18% for Human Health and 16% for Water Quality. Why should American's be subjected to decreases in Water Quality due to lack of investment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Air Pollution - OAR

The Administration budget calls for steep cuts in two accounts that fund activities at the heart of Clean Air Act implementation. One account funds EPA's work to review and update national air quality standards and national emissions standards. The second account funds a multitude of EPA activities to support state and tribal air programs for meeting national air quality standards, reducing toxic air pollution, assuring that new sources have state-of-the-art controls, and protecting visibility.

McCollum Q47: How can the huge cuts in these two key air program accounts be achieved while meeting EPA's responsibilities under the Clean Air Act?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q48: Has EPA identified what specific activities would be eliminated or reduced by the proposed reductions? If so, please provide an accounting that explains for each of these budget categories (federal stationary source regulations, federal support for air quality management) the activities that will be cut back, and the savings in dollars and personnel from each one.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q49: How will the proposed budget reductions impact EPA's ability to meet its existing obligations under the Clean Air Act and take on the new work required to carry out the January 24 Presidential Memorandum, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs."?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Accessibility to Data and Data Acquisition -- OA/OPA

McCollum Q50: Is all the scientific data associated with climate change that was available under the Obama Administration on the EPA website still accessible today?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q51: Since taking office, what guidelines has Administrator Pruitt issued for determining what information will be available?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q52: Will there be any data loss as a result of the budget's proposed program eliminations in FY 2018? If so, what date and how will this impact EPA's ability to have the continuity of data necessary to make projections into the future with a high degree of confidence?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by the EPA to develop guidance, regulations, and make important management decisions.

(QA/SAB)

McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(QA/ORD)

McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated "'EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q61: The BOSC is an 18 member advisory committee. What is the current membership?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(04) -

McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not

important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget (\$646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

Deliberative Process / Ex. 5

McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA/ORD)

McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify strategies to reduce redundancy and costs?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(04)

McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to the EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Categorical Grants for States and Tribes

Ex. 5 - Deliberative Process

The budget proposes to cut the categorical grants to states and tribes by 44 percent. States rely heavily on these grants. According to a report from the Environmental Council of the States, federal funds account for, on average, 27 percent of state environmental budgets. Congress designed Federal environmental programs so that they would be administered at the states and local levels where possible. But EPA has a responsibility to provide national environmental leadership by establishing minimum national pollution standards and providing technical support to states.

McCollum Q75: How will these proposed cuts affect the states' abilities to implement environmental programs? Will it have consequences for their staffing levels?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q76: How will this affect EPA's ability to conduct appropriate oversight and provide technical assistance to ensure that states have good environmental management practices?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q77: How is this consistent with improving the quality of our nation's waters or protecting the air we breathe?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q78: How does EPA recommend that states make up for this funding shortfall?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Staffing and Employee Morale

The March 2017 Executive Order directs the reorganization of the Executive Branch.

Office of Budget with OARM

McCollum Q79: In light of the 30% reduction in EPA's FY 2018 Budget request and the proposal to reduce approximately 3,800 FTEs from the FY 2017 enacted level, how is EPA

approaching developing such a plan and how will the Agency be transparent and keep employees informed?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q80: EPA's proposed workforce, the smallest since 1984, is still task with administering 7 major congressionally mandated programs including new workload such as the Toxic Substances Control Act. How will a reduction of this many staff not affect productivity?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q81: In FY 2017, Congress provided funding to maintain staff capacity to conduct work necessary to meet EPA's mandated responsibilities. The FY 2018 budget reduces funding for those very programs. Can EPA assure Congress that none of the actions it is taking in FY 2017 violate the Impoundment Act?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q82: The budget proposes to cut support for employee wellness and worklife initiatives, such as federal cost share for fitness centers, health wellness, and CPR/ AED training services and libraries.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Staff Reductions

EPA has carved out \$12 million in staff buyouts for the current fiscal year.

McCollum Q83: Will a Reduction in Force be necessary to reach EPA's proposed staffing level? If so, for how many positions and will EPA apply the Reduction in Force equally across both headquarters and regional offices? If not, what formula will the Agency use to do this?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q84: When a person loses their job thru a RIF they are entitled to severance pay, which can, depending on age and service time, easily be a full year's salary. How has the Agency calculated that cost?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q85: The FY 2018 budget proposes a new program project titled Workforce Reshaping which includes \$11 million in Science and Technology and \$47 million in Environmental Program and Management to support organization restructuring.

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q86: How does EPA propose to spend this money?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q87: What programs did you cut in FY 2018 budget to find the resources for this new program project?

Answer: **Ex. 5 - Deliberative Process**

McCollum Q88: If Congress agrees with the Administration's proposal for these significant staff reductions, how will EPA prioritize cuts in personnel so that the Agency can still fulfill its important charge to safeguard human health?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q89: Will EPA consider the risks to human health and the environment from staff reductions in particular program areas?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q90: How will EPA maintain the scientific and technical expertise needed to do this essential human health work when so many seasoned professionals opt to retire early?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q91: How will EPA enforce our environmental laws if EPA regional offices, who have primary responsibility for enforcement, are closed?

Answer: **Ex. 5 - Deliberative Process**

Regulation Review

(OA/OP)

Executive Order 13783 on Promoting Energy Independence and Economic Growth requires a review of all regulations.

McCollum Q92: How is EPA going about conducting this review and what scientific evidence and economic assumptions or models is the Agency relying on for the basis of its decisions?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q93: Environmental regulations already undergo a rigorous analysis of costs and benefits as they move through the regulatory process. In its annual accounting to Congress last year, OMB found that benefits of major rules EPA officially adopted from 2005-2015 exceed their costs by up to 13 times (OMB 2016). A 2011 peer-reviewed EPA assessment of the long term benefits and costs of the Clean Air Act and its implementing regulations found that its middle estimate of annual benefits exceeds costs by 30 to one--that's \$2 trillion in net benefits vs. \$65 billion in costs. Which specific EPA regulations does EPA believe are overly stringent and in need of scaling back?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q94: Administrator Pruitt has expressed concern about the compliance costs of particular industries, please provide an estimate of the change in net benefits to the American public from rolling any regulations back.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q95: Has the Agency considered the additional cost to industry of facing a patchwork quilt of different state requirements instead of one federal standard?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q96: What steps has the EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q97: How is EPA choosing which two regulations to repeal for every new regulation promulgated?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OGC)

McCollum Q98: In EPA's regulation review has the Agency consistently adhered to the requirements of the Administrative Procedures Act, specifically the notice-and-comment period that gives the public time to respond to any proposed changes by the government?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OCSP)

McCollum Q99: How does EPA justify delaying the effective date for the companion rule for Pesticide Applicator Protection for an additional year to May 22, 2018?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OCSPP

McCollum Q100: Is EPA proposing any changes to its plans for assessing the risk of pesticides for endangered species?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

¹ For more information about implementing recommendations found in the NAS report: [[HYPERLINK "https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and"](https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and)]

McCollum Q101: Does the FY 2018 budget provide the staff and resources needed to adequately assess the risk of pesticides for these species?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q102: EPA extended the effective date for emissions standards, record keeping, and labeling provisions for formaldehyde emissions until March 22, 2018. How is this not creating an unfair advantage for foreign imports over North American manufacturing of composite wood products?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(QA/QP)

McCollum Q103: How does EPA plan to defend the many inevitable lawsuits it will face from rolling back environmental regulations? Is this really the most effective way for EPA to fulfill its mission?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q104: Executive Order 13777 required the head of each agency to designate a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies to ensure agencies effectively carry out regulatory reforms, consistent with applicable law.

Answer:

Ex. 5 - Deliberative Process

McCollum Q105: Who have you appointed as the Regulatory Reform Officer for EPA and what are their credentials?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Chesapeake Bay - OW

Chesapeake Bay is the nation's largest estuary in which 18 million people live and work; there are 3,600 types of fish, wildlife and plant life that underpin the economic value of the ecosystem; and where in a voluntary partnership with other federal, State, local, and NGOs, academic institutions, private businesses and individual citizens, 10 Goals for restoring the ecosystem have been set to be met by 2025.

McCollum Q106: Just when the Chesapeake Bay is beginning to show improvement the FY 2018 budget cuts the funding across for all Geographic Programs, including the \$73 million for the Chesapeake Bay. Who will step into the role EPA has played of coordinating all the partners in this exemplary effort?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q107: Efforts to restore the Chesapeake Bay are seen as a national and international model for sustainable use of coastal regions. What message are we sending about our leadership and commitment when we reduce funding to such an exemplary project from which recovery lessons can be duplicated in coastal regions worldwide?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Environmental Justice – *OECA and OA*

The budget eliminates all resources for the Environmental Justice program. The budget claims that EPA will incorporate EJ work within the Integrated Environmental Strategy program within the Office of the Administrator; however, no there is no associated funding requested. The budget also eliminates the lead program, which works to reduce disparities in blood lead levels between low income children and non-low income children.

McCollum Q108: What Environmental Justice work will be discontinued as a result of the elimination?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q109: How much funding in the FY 2018 budget is dedicated for Environmental Justice work in the Integrated Environmental Strategy program?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q110: How many staff will be reassigned or terminated due to the elimination?

Answer: Ex. 5 - Deliberative Process

McCollum Q111: How will EPA identify and track low income and minority communities that are disproportionately burdened by pollution?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q112: The recent tragedy in Flint, Michigan, in which low income minority children were poisoned by lead in their drinking water, reminded the country of the danger of lead poisoning. How will EPA ensure that all children are protected, even in states that do not have their own lead program?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Enforcement

Office of Budget

McCollum Q113: Thanks to the work of this office, settlements were negotiated from EPA actions with Volkswagen AG and BP PLC spill that have resulted in funds going to states and communities. Given the proven success of this office, why does the FY 2018 budget propose to cut Enforcement by 23%?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q114: The budget justification states that EPA will focus the civil enforcement program's resources on "programs that are not delegable [to states] or where a state has not sought or obtained the authority to implement a particular program." Does this mean that EPA will no longer take any enforcement actions against polluters violating federal environmental rules that a state has authority to enforce? Under EPA's approach, what would happen if a state - due to lack of resources or political pressure -- fails to enforce a federal environmental rule against a violating polluter?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA

McCollum Q115: What will be the impact of the proposed cuts to enforcement on the number of state and federal facility inspections, the amount of compliance assistance, and the number of enforcement actions that states and EPA have the capacity to pursue?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Energy Star and Water Sense —

Ex. 5 - Deliberative Process

Through EPA's Energy Star and Water Sense programs, Consumers can save money by reducing their energy and water use while helping to protect the environment. These programs have motivated private sector investments, and moved the goal post on efficient technologies in the market place.

McCollum Q116: With a history of bipartisan support and immense value-added for businesses and consumers alike, what is EPA's rationale for throwing out 25 years of investment in these programs in the coming fiscal year? Isn't it a good thing when Americans can lower their energy bills and drinking water costs, reduce pollution, and help implement EPA's statutory mandates for clean air and water, all at the same time?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q117: Does Administrator Pruitt believe these programs represent an appropriate role for a federal agency? If not, how does he envision that the private sector will continue to develop product guidelines in partnership with a patchwork of state and local governments and competing businesses?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q118: What private organization might take on the breadth and complexity of these programs, is unbiased, can hire and gear up quickly to set up the networks and infrastructure necessary to manage these programs? If none currently exist, isn't it premature to cut the budget of respected and valued programs with great consumer and environmental results?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toxics and peer review (OCSP/ORD)

Many state and local governments rely heavily on US EPA's office of research and development's assessments of hazardous chemicals like the Integrated Science Assessments under the Clean Air Act or the IRIS program for toxics to set their clean up levels for hazardous

pollutants like known neurotoxins such as lead and carcinogens such as benzene. The current president's budget targets these scientific functions for large cuts.

McCollum Q119: How will EPA increase its support to state and local agencies to perform those scientific assessments on a case-by-case basis?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q120: How will EPA ensure that adequate health protection that follows the health evidence results for all Americans including vulnerable populations like pregnant women, infants, children, and seniors to protect them from these known and emerging hazards?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hazardous Substance: Superfund Account

QAR

McCollum Q121: The budget eliminates funding for Radiation: Protection and states that the EPA will explore alternatives to manage potential radiation risks at Superfund and hazardous waste sites to meet requirements and will explore alternatives to meet its statutory obligation, as mandated by Congress, to implement regulatory oversight responsibilities for Department of Energy activities at the Waste Isolation Pilot Plant facility. Where is this work funded in FY 2018? If there is no funding proposed in the budget, how will EPA meet its regulatory responsibilities?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q122: What is the impact of this work not being done in FY 2018? What are the risks to human health if this work is not done?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OCFO

McCollum Q124: The budget states that the timeline for modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) is extended as a result of the budget cut. What is the revised date of completion as a result of the funding cut? How long is the delay? What is the total cost of this project and how much has been funded to date?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA

McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q126: The budget states that there are 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects, yet this program is eliminated. How will EPA ensure that appropriate oversight is conducted at these sites? Will the funding elimination affect the timeline of the cleanups and, if so, by how long?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OLEM

McCollum Q127: How much funding does the budget cut for support for the headquarters and regional Emergency Operations Centers? What is the specific impact of these cuts? Will the EOCs be staffed by fewer employees? Will the Agency's operational readiness be affected by the resulting impacts to the EOCs and, if so, how?

Answer:

Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q128: The budget states that the proposed reduction to the Homeland Security: Preparedness, Response, and Recovery program project will cause the Agency to have to reevaluate the need to use PHILIS and ASPECT for emergency response activities. ASPECT is the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform and it is available to assist local, national, and international agencies supporting hazardous substance response radiological incidents, and situational awareness in the US. PHILIS is the EPA's mobile laboratory asset for the on-site analysis of chemical warfare agent and toxic industrial compound contaminated environmental samples Is EPA considering discontinuing ASPECT and PHILIS? Does the budget request impact operation of ASPECT and PHILIS? If discontinued, how would EPA fill this gap, what platform would conduct this work? How would states and local governments obtain these services?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q129: How will this affect workplace morale? Is discontinuing these services consistent with the rest of the federal government?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q130: The budget cuts \$34 million from the Superfund: Emergency Response and Removal program project. How will this cut affect EPA's ability to respond to emergency response actions, removal assessments, and time critical response actions? What won't get done as a result of this reduction?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q131: The budget proposes to cut \$167 million or 33% from the Superfund: Remedial program and as a result will have to prioritize resources on NPL sites that present the highest risk to human health. How many NPL sites will not receive funding as a result of the cut?

How many new sites will not be listed or have the cleanup process initiated as a result of the cuts?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Leaking Underground Storage Tanks - OLEM

McCollum Q132: The budget request cuts \$16 million from LUST Cooperative Agreements, which support states in managing, overseeing, and enforcing cleanups at LUST sites. The budget request also eliminates fund for LUST Prevention. What will be the resulting cut to each state? How many fewer LUST cleanups will occur due to the cuts? How much of a states' budget for LUST cleanups does this funding represent? How many fewer inspections will occur?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Pollution Prevention - OCSPP

The budget proposes to eliminate work in several EPA offices authorized under the Pollution Prevention Act, which was enacted in 1990 to focus industry, government and public attention on reducing the amount of pollution through cost effective changes. It also eliminates EPA's pollution prevention work under the Clean Air Act, Section 7401(c), of which the "primary goal is to encourage or otherwise promote ... actions...for pollution prevention."

McCollum Q133: The budget justifies significant reductions and program eliminations as the Agency refocusing on core work. Under Administrator Pruitt's leadership, does EPA consider pollution prevention part of EPA's core statutory work?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marine Pollution - **OW**

The budget proposes to eliminate the Marine Pollution Program. EPA is responsible for managing, along with the Army Corps, ocean disposal of sediments dredged from our ports, harbors and shipping channels to maintain the safe passage of military, commercial, and recreational vessels. EPA helps to ensure that radioactive waste, toxic chemicals, and sewage sludge that directly affect human health are not dumped into our coastal and ocean waters.

McCollum Q134: What is the impact of this proposed elimination on the health of the marine ecosystem? By how much will the percent decline of active dredged material ocean dumping sites achieving environmentally acceptable conditions?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q135: How will the proposed cuts affect data collection and maintenance?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q136: State and local governments will be directly impacted by degradation of their coastal resources, however, these entities do not have authority over ocean dumping in marine waters. If the marine program is eliminated as requested, how will EPA prevent, monitor, and control pollution in those waters?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Drinking Water - OW

Just last year we had a public health disaster in Flint, Michigan, where local residents were exposed to dangerously high levels of lead in their drinking water. Yet, the budget proposes to cut the drinking water program funding by 17 percent and the Public Water System Supervision Categorical Grant program by 30 percent.

McCollum Q137: How will these proposed reductions impact the States' abilities to provide technical assistance to owners of public water systems?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q138: How will the proposed cuts affect data collection and maintenance?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q139: What will be the impact of the reductions on laboratory certification and sample analysis?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q140: How will the proposed cut impact EPA's training and technical assistance to States, tribes, and public water systems for compliance with Safe Drinking Water Act regulations?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q141: According to the budget request, in FY 2016, nearly ten percent of the population served by Community Water Systems received drinking water that did not meet all applicable health-based drinking water standards. How will these proposed cuts affect EPA's ability to address on-going compliance challenges? What activities will be reduced?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Research and Development - ORD

The EPA laboratories are resources for EPA as well as states, tribes, municipalities, and other federal agencies.

McCollum Q142: At the proposed funding levels in the FY 2018 budget request, how will EPA retain the expertise of the scientists at these laboratories? Does the Agency intend to close any of the labs?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

National Vehicle and Fuels Emission Laboratory (OAR)

The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is an integral part of the EPA Office of Transportation and Air Quality. Through this program EPA develops, implements, and ensures compliance with national emission standards to reduce mobile source related pollution and ensure air quality benefits and fair competition in the marketplace.

McCollum Q143: The budget request notes that there is an increased demand for the outcomes from this program, but proposes reducing the program by \$17 million. Has EPA analyzed the resultant economic impact on manufacturers or the health and economic impact on consumers' from this proposed reduction of work?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q144: The Lab's work also protects industry by ensuring all automakers play by the same rules and to hold companies accountable that gain an unfair and illegal competitive advantage. Engineers at this Lab were instrumental in uncovering evidence on Clean Air Act violations that led to Volkswagen paying billions of dollars to their customers and to mitigate for pollution emitted from their cars and the current lawsuit against Fiat Chrysler and discrepancies in its auxiliary emission control devices. How would the proposed reduction impede the oversight that results from the work of this Lab?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q145: In order to meet the demand from the auto industry, how will EPA fill the funding gap that would result from the proposed reduction? Does EPA intend to create new user fees for the lab above the ones that the industry already pay?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q146: In March, EPA issued a notice of intent to reconsider the final determination on the appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards. At the proposed budget levels, how does EPA intend to conduct the analysis that this reconsideration will entail?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q147: What are the next steps in the process?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q148: Will EPA officially withdraw the final determination? If so, when?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q149: Will there be another proposed determination and public comment period?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q150: Will EPA and NHTSA produce another Technical Assessment Report? If so, does the proposed FY18 EPA budget provide enough resources to ensure a robust assessment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Eliminating Programs Great Lakes - OW

The Great Lakes support a \$7B annual fishing industry and over 40 million people in this region depend on the Lakes for drinking water. Ecologically healthy lakes are necessary for the lakefront and recreational opportunities the Lakes provide for millions of people which contributes to local economies. Yet the FY 2018 budget shortsightedly proposes to eliminate \$300 million for the Great Lakes Restoration Initiative. This reduction will impact cleaning up toxic algae, phosphorus from sewage treatment plants, and other pollutants that threaten water

supplies and make it dangerous to eat the Lakes' fish. It is will also jeopardize the work of Federal agencies, states and stakeholders to address invasive species like Asian carp.

McCollum Q151: How does EPA justify eliminating this program, and the many other geographic programs like it that are critical for healthy regional ecosystems?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q152: Why aren't protecting these irreplaceable resources considered a basic function of EPA?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q153: The Great Lakes effort is a multi-state effort which benefits from federal funding and staff support. Absent federal participation which encourages a collaborative effort to clean up ecosystems that span more than one state, what does EPA envision these efforts will look like moving forward?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q154: If funding is eliminated as proposed, how will EPA handle projects which are and could be in the middle of sediment remediation? Is there any risk that halting work could result in an environment hazard more dangerous than if the work had not been initiated?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q155: What would happen to projects which are recently completed but may be in the warranty work phase where habitat restoration or continued treatment for invasive species is being carried out? Sometimes these activities continue for 2-3 years. If this work is stopped, wouldn't the full benefit of the investment be lost?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q156: How would EPA manage the internal support contacts and the contract with Cetacean Marine associated with the maintenance and operation of the research vessels Lake Guardian and Mudpuppy II?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q157: What would be the associated costs of ceasing operations of the Lake Guardian and Mudpuppy II? Would the vessel be put into dry dock or would EPA dispose of it?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Managing Environmental Protection Merging Regional Offices

Office of Budget with OARM, OLEM

It has been reported that EPA is conducting an analysis regarding merging regional offices that is due to the Office of Management and Budget on June 15, 2017.

McCollum Q158: How would EPA plan to continue the Agency's close working relationship with states, with less regional staff and more distance involved?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q159: What are the specific health impacts and environmental impacts of closing regional offices? How will these closures affect EPA's mission to enforce environmental laws and otherwise protect the environment and human health?

Answer: **Ex. 5 - Deliberative Process**

McCollum Q160: Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

Answer: **Ex. 5 - Deliberative Process**

McCollum Q161: How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

Answer: **Ex. 5 - Deliberative Process**

McCollum Q162: How would EPA replace the on-the-ground knowledge, technical expertise and leadership in these regions, so essential to developing an acceptable resolution when a company is charged with a violation, to ensure that environmental compliance?

Answer: **Ex. 5 - Deliberative Process**

Combined Heat and Power Partnership - OAR

The Combined Heat and Power Partnership provides technical support, makes business-to-business connections, and issues achievement awards to its roughly 400 partners. Since its launch, the Partnership has been credited with supporting roughly one-third of CHP installations. These projects slash energy use and costs, making their hosts more competitive and cutting carbon emissions. They also make our energy infrastructure more reliable, since CHP projects can keep the lights on when the grid goes down.

More than 100 businesses, advocates and associations – including Ameresco, Siemens and Solar Turbines – have joined a letter reaffirming the great value of the CHP Partnership and of CHP itself.

McCollum Q163: Given the Administration's commitment to improving our industrial competitiveness compared to our international competitors – and the great support that the CHP Partnership has provided since 2002, why does the Administration want to eliminate it?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Environmental Monitoring - OAR

The EPA tracks changes in nitrogen deposition and sulfur deposition to assess the effectiveness of the Acid Rain Program and related programs. The agency also tracks changes in surface water acidity in lakes and streams in acid sensitive regions to assess the change in the number of chronically acidic water bodies. The Administration budget proposes that EPA close seven of 59 EPA-sponsored CASTNET monitoring sites (six on Tribal lands) and seven of EPA's 32 National Atmospheric Deposition Program sites.

McCollum Q164: How will this reduce EPA's ability to measure the results of the Acid Rain Program and related programs?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Elimination of Alternative Dispute Resolution - OGC

McCollum Q165: What are the benefits of EPA's use of alternative dispute resolution, and what analysis has EPA done that indicates program offices are able to conduct ADR on their own, without support?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Climate Change: GAO High Risk Area (OAR)

McCollum Q166: According to EPA's budget, in 2013, the Government Accountability Organization designated climate change as a "High Risk" area, noting that climate change poses management challenges for the federal government at large, and that the EPA will play a role in addressing this challenge. Since the budget request eliminates 91% of the climate change funding, what role will the Agency play in addressing this challenge?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Clean Power Plan (OAR)

McCollum Q167: What is EPA's plan to provide the same level of greenhouse gas emissions reductions as the Clean Power Plan and other rules the Agency plans to reexamine?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q168: When does EPA anticipate its review of the Clean Power Plan will be completed as every passing month delays the important emission reductions this plan was designed to achieve?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q169: Is EPA planning to extend the administrative stays of any other regulations that reduce greenhouse gases from stationary sources which it is currently reviewing?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ozone - OAR

McCollum Q170: Ozone is the main component in smog and has been scientifically proven to aggravate lung diseases, increase the frequency and severity of asthma attacks, and reduce lung function. EPA estimated that the benefit of an updated standard of 70 parts per billion will yield health benefits of \$13 billion each year. However, Administrator Pruitt has delayed the compliance deadline by a year. What will be the health impact and additional cost to the public of this delay?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Chlorpyrifos (OCSP)

Administrator Pruitt, during your testimony to our subcommittee you stated that the USDA had a differing opinion from the EPA's scientists on the dangers of chlorpyrifos. You sided with the USDA in that disagreement when you rejected the petition to revoke food tolerances of chlorpyrifos.

McCollum Q171: What scientific evidence and peer-reviewed studies were the basis of the USDA's conclusions? Do they have data that shows there is a safe level of exposure to chlorpyrifos, particularly for children and pregnant women? Who determined that the USDA's science is more reliable or valid than the EPA's, and what process or standards did they use to come to that conclusion?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q172: The EPA has historically consulted with the USDA on pesticide related issues, but your testimony indicated that the USDA now has the power to overturn the conclusions of the Agency's own scientists. Has the USDA been elevated to the role of overseeing any decisions on pesticides under the Trump Administration? If so, who issued and approved of this guidance.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OCSPP

McCollum Q173: The mission of the USDA is very different from the mission of the EPA. The USDA's mission is to provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues. The EPA's mission is to protect human health and the environment. Is the protection of human health and the environment still the mission that is guiding decisions on pesticide use under your leadership?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Environmental Impact on Children's Health

It is estimated that 88% of the existing global burden of disease attributable to climate change occurs in children younger than 5 years old in both industrialized and developing countries. Climate change is currently affecting child health through increased heat stress, decreased air quality, altered disease patterns of some climate-sensitive infections, physical and mental health effects of extreme weather events, and food insecurity in vulnerable regions. Outdoor air pollution is linked to respiratory problems in children, including decreased lung function, coughing, wheezing, frequent respiratory illness, and asthma exacerbation. Children bear the burden of negative health outcomes resulting from exposure to pollutants across their lifespan.

(OAR)

McCollum Q174: The EPA has put a hold on efforts to make our air cleaner by pausing work on the ozone standard and the Clean Power Plan. Is the EPA calculating the costs to children and their families from all of the health effects of polluted air and accelerated climate change?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(O4)

McCollum Q175: As the EPA Administrator overseeing this regulatory review, are you consulting with pediatric associations, patient organizations, or other representatives for

children's health to determine the cost burdens that rolling back these regulations would place on impacted families and our health care system as a whole?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q176: How will the benefits to children of strong environmental regulations be weighed in comparison to the costs to some businesses of meeting those regulations in any final decisions?

Answer:

Ex. 5 - Deliberative Process

Tribal Treaty Rights and Tribal Consultation - OITA

In February 2016, the Agency finalized the "EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights". That Guidance begins with the statement that, "EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so."

McCollum Q177: Does the Agency intend to continue to implement this Guidance under your leadership? Does the Agency continue to stand by the conclusion that you have an obligation to protect treaty rights and consult with tribal nations if those rights may be impacted by a proposed EPA action?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q178: The Guidance states that, "As part of its commitment, EPA will emphasize staff training and knowledge-sharing on the importance of respecting tribal treaty rights in order to better implement this Guidance". What training has been done for staff on this topic since you were confirmed as Administrator? Does the Agency intend to provide such training in the future?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q179: Is the Agency engaging in formal tribal consultation during the review of regulations that you are currently undertaking? What efforts is the Agency undertaking to evaluate the impact that any changes to existing regulations may have on tribal treaty rights throughout the nation?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q180: Tribal nations rely on many EPA grants and programs to protect their treaty rights and maintain the environmental health of the ecosystems that support their hunting, fishing, and gathering rights. Has the Agency engaged with tribal nations following the release of the Fiscal Year 2018 budget about the decision to cut funding for programs across the Agency that tribes rely on such as the Indian General Assistance Program, the State and Tribal Assistance Grants, the Great Lakes Restoration and Puget Sound geographic programs, and others? Are you consulting with tribal leaders around planning for implementation of this budget? Are you seeking tribal input on investments needed to protect tribal treaty rights as you develop your Fiscal Year 2019 budget?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q181: Please provide the Committee with a detailed list of all efforts to engage in tribal consultation. Additionally, please provide the Committee with a detailed analysis of the current funding that the EPA distributes to tribal nations across all accounts and grants, and how the cuts proposed in the Trump Administration FY18 budget would affect it.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. Pingree:

Brownfields - OLEM

An EPA program that is of vital importance to the communities of New England and Maine in particular, is the Brownfields program. The capital raised through Brownfields investments has been extremely effective in turning community liabilities into assets throughout the state. And EPA itself has told us that brownfields leverage \$17 dollars for each dollar spent.

Pingree Q1: When you have publically supported the work of this program, why would this Administration turn away from the Brownfields program that leverages its funds so efficiently with a \$17 to \$1 return on investment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

National Estuary Program - OW

One of the programs that you have at EPA that is relatively small in the scope of your budget, but that brings critical funds to coastal communities is the National Estuary Program. The work that they are doing on the ground in habitat restoration and protection helps in the 28 watersheds nationwide.

One of those critical watersheds is in Maine, the Casco Bay Estuary. They work with partners across Southern Maine to monitor our watershed in the Casco Bay and to use the data they find to help our fishermen, and our communities. But under your budget proposal, the program is proposed for elimination and the funds are not repurposed elsewhere but the work of this program will be entirely gone. On average, the NEPs raise \$18 for every \$1 provided by EPA.

Pingree Q2: Why does the FY 2018 budget propose to eliminate the NEP which provides such a clear benefit to the American taxpayer?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Wood Heater Standards - OAR

Pingree Q3: Can you provide for the record information and status of the EPA's New Source Performance Standards for New Residential Wood Heaters given that there is a May 2020 effective date for Step 2 of this rule?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

EPA Water Sense Program - OW

Pingree Q4: Given that fact that many business and citizens were affected by drought and water supply shortages in recent years, and given the proposed cuts to programs at EPA such as Energy Star and Water Sense, how will the EPA continue to support economic development that is based on significant water savings in drought stricken areas?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toxics Funding - ORD

Pingree Q5: Given the 31 % cut to the Chemical Safety for Sustainability research program,

what are the potential impacts on the research and evaluation of human health effects of chemicals?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Kilmer:

EPA Ecolabel Program - OCSPP

In 2015, the EPA issued procurement recommendations for forest products that discriminated against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS) – thereby excluding forest products produced from hundreds of millions acres of private, state, and federal forestlands. These recommendations were also inconsistent with the USDA’s Biopreferred Program, which puts all forest certification programs on a level playing field. The Fiscal Year (FY) 2017 Consolidated Appropriations Act directed EPA to provide a report to the Committee within 60 days regarding the current state of the agency’s Ecolabel program. The Committee also recommended that in developing the guidelines to evaluate eco labels that are used in Federal purchasing for building construction and other uses, the EPA should be fair, transparent, and consistent with other product requirements.

Kilmer Q1: What is the anticipated timing for the completion of the report called for in the FY 2017 Consolidated Appropriations Act?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q2: Please outline the steps EPA will take to ensure that guidelines for the Ecolabel program will be developed in a transparent manner, inclusive to all certified sustainable US grown and manufactured forest products, and consistent with existing federal procurement policies like the USDA’s Biopreferred program.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Energy Star - OAR

EPA has a voluntary, non-regulatory, partnership program with private and public property owners called ENERGY STAR for buildings. Foundational to the program is an energy management and tracking tool developed and maintained by EPA called “Portfolio Manager” that enables properties to measure utility performance over time. Forty-four billion square feet of commercial space including school, office and apartments buildings – roughly half the commercial real estate market in the United States – use Portfolio Manager to measure and track how much energy and water is consumed by building occupants. This tool has become the trusted standard for building owners to identify opportunities for more efficient operation and achieve utility cost savings. Moreover, without Portfolio Manager, the real estate industry would

be left without its key compliance tool to meet the increasing number of state and local regulations that require buildings to measure and report their energy use in a transparent manner.

Kilmer Q3: Is Administrator Pruitt aware of the important role that the buildings branch of ENERGY STAR and the Portfolio Manager tool play in supporting the private real estate industry?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q4: Without funding, how does the EPA plan to continue supporting Portfolio Manager?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Puget Sound - OW

Puget Sound, Washington, is among the most important estuary ecosystems in the United States, providing critical human and ecological values. The ecosystem supports more than 4.7 million people, including 19 federally recognized tribal governments; 211 fish species; 100 sea bird species; and 13 marine mammal species, including endemic orca whales. It also annually handles over \$77 billion in imports and exports, \$10 billion in outdoor recreation, and \$2 billion in agriculture revenue. Decades of human activity and development have degraded the ecological function of Puget Sound, and the EPA has numerous statutory obligations to support Puget Sound recovery efforts.

Kilmer Q5: Please provide a list of all federal laws that mandate EPA's role in Puget Sound recovery efforts.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q6: Please provide a summary of the total amount spent by EPA towards meeting its statutory obligations with respect to Puget Sound recovery over the past 5 years broken out by individual programs including State and Tribal Assistance Grants.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q7: Please provide a list and brief description of all the current actions carried out by the EPA (including those supported through grants/cooperative agreements with the state and tribes) that would be terminated if the Puget Sound Geographic program is eliminated.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Tribal Programs - OITA

EPA's Region 10 office serves 271 federally recognized tribes in Alaska, Idaho, Oregon, and Washington. The EPA is responsible for upholding federal trust responsibility to protect treaty rights that fall within its jurisdiction.

Kilmer Q8: Is the Administrator committed to upholding EPA's trust responsibility to all federally recognized tribes?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q9: What legal consequences would the EPA face if it fails to meet these obligations as a result of inadequate funding?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. Kaptur:

CWA: Impaired water of Lake Erie - OW

Two years ago, Toledo's fresh water supply was shut down over an entire weekend due to toxic algal blooms from Lake Erie that crept into the water treatment facility. The algal bloom was a result of the overwhelming nutrient pollution running into the Lake. The amount of money required to fix this tri-state/binational environmental threat is enormous, and the responsibility for purifying the water should not simply rest with the City of Toledo, a community of 250,000 inside a watershed of over 2 million people and 10 million livestock. Further, Michigan has declared Lake Erie impaired; Ohio has not.

Kaptur Q1: During our hearing, you stated that Ohio had not assessed the waters of Lake Erie. However, under Section 305(b) of the Clean Water Act, states are required to assess all waters. Do you not agree that Ohio is required to assess those waters? Based on what authority did you defer to the state of Ohio's decision not to assess those waters? How can you approve an incomplete assessment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q2: By default, by accepting Ohio's non-assessment, USEPA is declaring the open waters of Lake Erie not impaired. How can waters which are clearly comingled across state lines be considered clean on one side and impaired on the other?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q3: Can you please answer my question from the hearing: is not a tri-state watershed draining into a binational body of water with disputes over the water quality status precisely where EPA is statutorily mandated to take action?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q4: In their letter to USEPA on September 30, 2016, Ohio EPA indicated that USEPA should lead efforts to assess the nutrients and algae problems, as well as to develop a coordinated response, in Lake Erie. Do you disagree with their interpretation?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q5: Are you committed to upholding the 40% reduction of nutrient loading as agreed to in the Great Lakes Water Quality Agreement Annex 4, and supported by the Great Lakes Governors and Canada?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q6: What is EPA doing to assist the states in developing criteria to address harmful algal blooms and nutrient pollution? How much funding is provided for this work in FY 2017? How much is proposed in the FY 2018 budget request?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Funding for Water Infrastructure - OW

USDA's budget proposes to eliminate the entire \$500 million Rural Water and Wastewater loan program with the expectation that rural communities will compete for the limited Drinking Water SRF funds. The Drinking Water SRF does not increase by the \$500 million lost in the Rural Water and Wastewater loan program.

Kaptur Q7: How will rural water systems struggling to provide clean water to their neighbors find funding for clean water if the Drinking Water SRF is already woefully underfunded and now has to absorb a \$500 million program for rural communities?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q8: How will these small communities compete with the medium and large systems that will also be applying for SRF funds?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Funding to States (OA/OP)

Ohio EPA Director Craig Butler said that these cuts in your budget would result in a 30% cut to their budget, forcing major cuts to the state Superfund program and to Clean Water and Clean Air initiatives. If Ohio is not provided with adequate funding to implement those programs there will be significant problems. The Agency will not be able to process permit applications, conduct inspections/reviews, and will likely reduce staff.

Kaptur Q9: How do you imagine that reality lines up with your priority of growing the economy and protecting the environment?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Budget Cuts (OA/OP)

Kaptur Q10: If the agency staff and funding levels are substantially cut, as the administration has proposed, and if the agency pursues all of the reconsideration and similar actions it has already announced, can you assure us that the agency will not miss any mandatory statutory deadlines for action?

Answer: **Ex. 5 - Deliberative Process**

Enforcement - OECA

Kaptur Q11: You talk about returning EPA to basics, but compliance levels with environmental laws in some sectors is dangerously low. How will you increase compliance with laws that protect our health, when your enforcement staff does not have any money to conduct casework?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Environmental Justice (OECA/OP)

Kaptur Q12: The Administration's proposed budget would do away with the office of Environmental Justice altogether. Do you believe that environmental costs and degradation has fallen disproportionately heavily on people of color, individuals in low-income neighborhoods, and those who have the least voice in the process? Does your plan to eradicate the office that is specifically tasked with addressing this issue indicate that you do not take it seriously? How do you propose to address environmental racism and environmental justice while your agency cuts staff, enforcement, and the entire office tasked with tackling these problems?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Budget for Science and Research - ORD

The President's proposed budget request for FY2018 lays out a reduction in staffing at the EPA by almost 25% over the FY2017 Annualized Continuing Resolution Full-Time Equivalent (FTE) levels. This proposed staffing cut hits the Science and Technology Appropriation, which houses EPA's Office of Research and Development, by 32.5%.

Kaptur Q13: Can you justify the budget reduction of the only Appropriation within the Agency that is responsible for providing robust scientific evidence to guide the EPA in developing its regulatory decisions?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q14: With states relying on the scientific and technical expertise that the EPA retains in-house to assist them in meeting their statutory requirements for environmental protection, how will the Agency be able to continue to meet the expectations of their state partners with such a substantial reduction in staff?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q15: How can you justify such a dramatic cut that would seriously jeopardize the Agency's ability to use the best available science to protect human health and the environment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

We hope that EPA getting “back to basics” means that EPA will continue its mission to protect human health and the environment. However, recent activity at the Agency has provided some cause for concern, specifically, the decision to not renew the terms of several members of the Board of Scientific Counselors for EPA’s Office of Research and Development, with the stated intention of replacing those members with industry representatives.

Kaptur Q16: How do you reassure the American people that the quality of their air and water will not be compromised by the very same billion dollar industries you have spent decades representing, who now have a bigger seat at the table, and a greater ability to influence Agency decisions to improve their bottom line at the expense of the taxpayers health and well-being?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. Lowey:

Climate Change

According to EPA's own information on Climate Change Indicators, between 1901-2015:

- Average surface temperature across the contiguous 48 states have risen more quickly since the late 1970s;
- Eight of the top 10 warmest years on record have occurred since 1998, with 2012 and 2015 being the two warmest years on record;
- 2006-2015 was the warmest decade on record; and
- Since the late 1970s the United States has warmed faster than the global rate.
- In addition, temperature is only one indicator of climate change, we could look at other indicators such as precipitation or extreme weather events.

Judging from your history as a climate change skeptic, I suspect you have little respect for these figures. But let's be outright with it.

(OAR)Lowey Q1: Yes or no - is human activity a contributor to climate change?

Answer:

Ex. 5 - Deliberative Process

Lowey Q2: With the drastic reductions in your FY 2018 budget request, how will EPA continue to study and address the impacts of climate change?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Addressing the impacts of climate change/Paris Accord (OAR)

I am deeply concerned by the Administration's decision to withdraw from the Paris Agreement. Coupled with the budget's elimination of any funding to combat climate change, the Administration is ignoring changes in our environment that threaten food security, biodiversity, business interests, and even our coastal cities like New York. It is irresponsible to think we are putting America first by ignoring these global threats. Nicaragua and Syria are the only other nations not participating, though I should note that even Nicaragua declined to participate because they felt the agreement did not go far enough. International backlash to the U.S. pulling out has been unprecedented and appears to have undermined U.S. global leadership. You recently made the statement that you had not spoken with President Trump about whether he believes that climate change is real and whether humans impact it. You further stated that the focus of your discussions with the President has been on the merits and demerits of the Paris Agreement. Because the Paris Agreement's central aim is to strengthen the global response to the threat of climate change, it baffles me that you two would not have discussed climate change.

Lowey Q3: To date, have you still not asked the President what his beliefs are regarding climate change?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q4: You were in Italy this week for the G7 Meeting on the Environment. What has been the response from our international partners about President Trump's decision to withdraw from the Paris Agreement?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q5 (Q4a): Who will fill the void of U.S. leadership on climate issues?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

American Energy Jobs (OAR)

Pulling out of the Paris Agreement prioritizes jobs in the fossil fuel industry over renewable energy jobs. There are more than 678,000 jobs in renewable energy, more than the 515,000 jobs in oil/petroleum.

Lowey Q5: All jobs matter, so why are you arguing that protecting renewable energy jobs is bad for America?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q6: While we are discussing energy jobs, would you like to clarify the statement you made on Meet the Press on June 4 that since the fourth quarter of last year, 50,000 jobs in the coal sector have been added, and almost 7,000 in the month of May alone? Do you still believe those numbers to be accurate?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q7: It's important to get the facts right. According the U.S. Bureau of Labor Statistics, there were 51,000 total jobs as of May in coal mining, and 400 coal mining jobs were added in May.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

National Institute of Environmental Health Sciences (OAR)

The National Institute of Environmental Health Sciences discusses how as global temperatures rise and extreme heat events increase in frequency due to climate change, we can expect to see more heat-related illnesses and mortality. Socioeconomic factors, such as economically disadvantaged individuals are at greater risk from heat-related burdens.

Lowey Q8: This Administration states it is concerned about the “forgotten men and women,” but how does pulling out of the Paris agreement not forget about the men, women and children that will now suffer more heat-related illnesses because we have abandoned efforts to reduce greenhouse gas emissions, while at the same time working to pull back regulations on carbon emissions?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Superfund – Hudson River PCBs - OLEM

I understand you are a strong supporter of the Superfund program and have made commitments to support clean-ups. Yet, your budget proposes to cut the Superfund program by 30%, diminishing EPA's ability to compel responsible parties to pay for site cleanups, which leaves taxpayers on the hook. You also cut EPA's direct funding for clean-up.

Lowey Q9: As a result, doesn't this mean hazardous sites won't get cleaned up? Does that include the eight in Oklahoma?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q10: Can you specify which Superfund site cleanups will not be completed, and which will slow down from their currently planned time tables as a result of these proposed cuts?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q11: Can you specify which potential Superfund sites will not be thoroughly investigated as a result of these cuts?

Answer:

Ex. 5 - Deliberative Process

Lowey Q12: Can you estimate how much money from potentially responsible parties will be lost to the federal government from your reductions to this program?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The Hudson River is classified by EPA as a Superfund site and, at 200 miles, is one of the largest in the country. For a 30-year period, two General Electric manufacturing plants discharged Polychlorinated biphenyls (PCBs) into the Hudson River. GE only stopped this practice when EPA banned the production of PCBs in 1977. The PCBs in the Hudson mixed with the river's sediment and deposited on the river bottom and along the shoreline in the floodplain. Since 1977 there has been a fishing ban due to the health risk associated with the accumulation of PCBs in the human body by consuming contaminated fish. EPA just released a draft of its second five-year review of the Hudson River Superfund site that recommends following the plan outlined more than a decade ago.

Lowey Q13: How do you respond to those who feel this is not sufficient and that cleanup should be expanded?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q14: How can you in good conscience propose not providing families in New York with clean water and accomplishing the task of cleaning up the PCBs in the Hudson River?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

² The report is available at www.epa.gov/hudson.

Ex. 5 - Deliberative Process

Long Island Sound - OW

The FY 2018 budget proposes to eliminate the Geographic programs. This includes \$8 million for Long Island Sound. These programs directly benefit the vast majority of our country's residents and businesses, and are focused on cleaning up pollution and promoting healthy ecosystems which benefit the economy.

Lowey Q15: Why do you feel it is prudent to eliminate funding when you are making progress in cleaning up these ecosystems?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q16: Can you guarantee that stakeholders are ready to step in to fill the void left by the elimination of federal funding?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q17: What discussions have you had with Governors, cities, and communities that have been active partners and will be affected by this proposed approach?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert (OA/OP with OAR & OW)

Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan, and Methane

I was pleased to see two early actions from the President to issue:

- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” rule*, and
- Executive Order 13783 on *Promoting Energy Independence and Economic Growth*.

I have a number of concerns with the WOTUS rule’s flawed history -- it was originally proposed before the scientific studies were complete, the Small Business Association believed EPA should have conducted a Small Business Advocacy Review Panel prior to releasing the rule, and in December 2016 the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote rule.

In my opinion, the only clarity that the WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications. It was a clear example of Federal overreach.

The FY17 Omnibus included language asking EPA (and the Department of the Interior) to keep the Committee apprised of actions to comply with the Executive Order to promote energy independence and economic growth. For EPA, there were a number of specific directives within the Executive Order related to the Clean Power Plan, the methane rule, and other regulations.

Calvert Q1: Please provide an update on what steps the Agency is taking to comply with these Executive orders.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Calvert Q2: Where is the agency in the process with respect to each of those rules?

Deliberative Process / Ex. 5

Calvert Q3: Does EPA have similar estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Superfund Special Accounts:

EPA has roughly \$3.2 billion in settlement agreements from responsible parties. These funds reside in Special Accounts for the cleanup of individual Superfund sites. That's nearly five times the budget request for the program.

Calvert Q4: What, if anything, is required to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Simpson:

TMDL - *OW*

I am pleased that you mentioned TMDL's in your opening statement and a commitment from EPA to work with states and localities. I have met with Mayor's and city council members, and there is real fear in regards to the financial stress around and how these communities can meet and/or pay for costly upgrades to facilities. For example, Twin Falls recently invested \$38 million to upgrade their water treatment facility. However, the last Administration proposed lowering their TMDL for phosphorous by 98.5%. This would result in the city needing to upgrade their facilities again. The cost is estimated to be between \$60 and \$100 million.

Now, this is just the start of this issue. I met with Mayor's in the smaller towns near Twin Falls - Buhl, Jerome, Anmon, and Filer – and they surely can't afford these types of upgrades as these towns have smaller populations.

We did have success in Boise, Idaho, with a project called Dixie Drain that saved tens of millions of dollars by using a flexible innovative model to reduce phosphorous levels. This was a

common sense approach that didn't hammer taxpayers with costly regulations. I hope this is a model we can use to help Twin Falls and other communities avoid massive rate increases.

Simpson Q1: Can we work together – along with Idaho Department of Environmental Quality - to review the TMDL process along the Mid-Snake and see what can be done to help these communities?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Simpson Q2: What are some of the approaches we can take to ensure these communities reach a solution that doesn't bankrupt ratepayers?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ecolabels - OCSPP

In the 2017 Consolidated Omnibus Appropriations Bill, we asked for the agency to provide a report on the Ecolabel program within 60 days of enactment, asking that as you develop the guidelines and evaluate ecolabels for federal purchasing in building construction that the process be fair, transparent, and consistent with other product requirements.

I'm most interested in the part of the process that looks at labels associated with forest management. I want to ensure that our federal government's procurement system includes recognition of forest products from the millions of acres of responsibly managed forests across the US. Unfortunately, as I understand it, the former administration's EPA issued 2015 procurement recommendations that excludes forest products from 83 million acres of private and state forestlands, as well as several hundred million acres of other private and public forestlands including the entire National Forest System, from participation in federal procurement efforts by discriminating against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS). And all this, despite the fact, that the only statutory authority any agency has is USDA, through its Bio-preferred Program authorized by Congress, which sets mandatory purchasing requirements for federal agencies and puts all certification programs on a level playing field. In December 2016, EPA

[PAGE * MERGEFORMAT]

said this recommendation was "under review". I remain concerned about further actions that EPA will take on its program.

Simpson Q3: Can you provide us with a status update on the report called for in the Consolidated Omnibus Bill?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Simpson Q4: What steps can you take to ensure your agency's efforts on the Ecolabel program avoids creating conflicting federal procurement policies and doesn't exclude US grown and manufactured forest products?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Stewart:

Serious Non-attainment Areas (*OAR*)

Recently, much of Northern Utah was classified as a serious non-attainment area. As you know, once a region is designated as serious non-attainment it's almost impossible to shed that designation – even if air quality improves to meet minimum federal standards.

Stewart Q1: Under your leadership, will EPA demonstrate to the states how they can exit non-attainment and serious non-attainment?

Ex. 5 - Deliberative Process

Questions from Mr. Amodei:

State Obligation (Office of Budget)

Amodei Q1: If the cuts to state grant funding contained in EPA's FY18 budget proposal are adopted, does EPA also intend to proportionally adjust the required obligations on states to implement federal environmental programs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q2: If not, what is EPA's proposed solution for addressing this policy and funding the discrepancy? Does EPA expect state and local governments to make-up for the shortfall?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q3: How does EPA plan to recognize and ensure the continued success of Nevada's pre-existing state-based program?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Waters of the United States (OW)

Because states are primary implementers of federal rules, state input into rulemaking early in the process, well before a rule is formally proposed, is critical to an effective and efficient regulatory program. EPA's review of the Water of the United States rule is key example.

Amodei Q4: Does EPA plan to include state environmental agencies as co-regulators in the development of a new WOTUS definition to ensure effective implementation if a final rule is pursued?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q5: Can you tell me how EPA views this petition now that the comment period has closed, and if changing the obligated parties from big refiners to the mom-and-pop marketers is something EPA is considering?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q6: Under the same policy – RFS point of obligation – does EPA make a distinction between obligated parties and position holders?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q7: Given the President’s budget proposal, can EPA effectively and economically manage a program that could potentially become more complicated by a factor of x 10?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Renewable Fuel Standard (RFS) Blend Wall - OAR

There is scientific evidence showing ethanol blends above 10 percent can harm vehicles and is incompatible with the existing retail gasoline infrastructure.

Amodei Q8: What is EPA doing to ensure that the annual RFS-mandated volumes protect the current U.S. vehicle fleet and existing retail infrastructure?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

ENERGY STAR Program - OAR

Amodei Q9: Will you work with the committee on this matter and commit to moving the entire ENERGY STAR program home appliances to DOE immediately?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Refrigerator Refrigerant Charge Size

On December 20, 2011, EPA's Significant New Alternatives Policy (SNAP) program allowed the use of Isobutane in household refrigerators. The final rule included a use condition that limits the refrigerant charge to 57 grams or less for each sealed refrigeration system (i.e., compressor, condenser, evaporator, and refrigerant piping). The charge size is the amount of refrigerant that is allowed in each sealed refrigerant system within a refrigerator. The SNAP rule based the charge size amount on the Underwriters Laboratories safety standard for household refrigeration end-use, which limited the quantity of the refrigerant (i.e., "charge size") in a refrigerator or freezer to 57 grams. In EPA's final rule, the agency stated that they do not have sufficient information to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335-2-24. The final rule stated EPA understands that the limit in UL 250 may change in the future. If that occurs, and if the appropriate safety testing data is submitted to EPA supporting safe use of a larger charge, EPA stated it would consider modifying the use conditions.

Based on testing and lengthy analysis, on April 28, 2017, the maximum charge size allowance in the UL standard was changed and increased from 57 grams to 150 grams. During the approval process of this update, the Consumer Product Safety Commission (CPSC) staff stated that they do not oppose the proposal to increase the maximum flammable refrigerant charge size in household refrigerators to 150 grams from 57 grams. They stated that standards in Latin America, Europe, and other countries allow household refrigerators to use up to 150 grams of flammable refrigerant.

It is my understanding that EPA has sent the rule to OMB to update the SNAP use condition to increase the allowable charge size to match the most recent safety standard, which is 150 grams. I am appreciative of your quick action on this important matter; however, we need to make sure it gets out of OMB quickly. I wanted to be sure that you were aware of the importance of this matter to expedite this technical change. Appliance manufacturers need certainty in this area to start planning and designing their products to meet EPA required date of 2021 when HFCs are banned for use in refrigerators.

OAR

Amodei Q10: Can you please continue to make sure this is a high priority action for OMB to complete?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Questions from Mr. Jenkins:

National Ambient Air Quality Standards (OAR)

Recently, EPA announced it would be extending the timeline for the 2015 ozone standards. In making that decision, EPA cited several issues in need of further review.

Thank you for this action and your consideration of these issues.

All counties in West Virginia now meet the 2015 standards, and we are proud of that progress. Despite this fact, potential EPA actions threaten affordable, reliable energy in West Virginia.

It is my understanding that the decision does not change several other implementation steps and actions that states must still undertake.

Petitions from other states would require West Virginia electricity generators to address nonattainment areas in those states or join the Ozone Transport Commission, despite the fact EPA does not require those areas to address their contributions first.

States like West Virginia, while meeting the standard, would still submit a state plan to address its "Good Neighbor" obligations by October 2018.

Jenkins Q1: What actions will EPA be taking to address state concerns regarding these interstate modeling results?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jenkins Q2: Do you agree that States, through the State Implementation Plan process, should be able to address interstate pollution?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OAR

Jenkins Q3: How much of that funding is to assist counties with achieving 2015 standards?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jenkins Q4: How much is being proposed to assist with State Implementation Plans and other administrative efforts?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. McCollum:

Implementation of FY 2017 Enacted Budget - OARM

It has come to the Committees attention that EPA notified unions representing Agency employees that EPA is halting funding for fitness subsidies during FY 2017.

The FY 2017 budget request did not propose such a reduction. Rather, the FY 2018 budget proposes to cut “support for employee wellness and worklife initiatives, such as federal cost sharing for fitness centers, health wellness and CPR/AED training services and libraries.”

It is wholly inappropriate for EPA to execute new FY 2018 budget proposals before Congress has had the opportunity to act on them.

Congress provided funding for these programs in the FY 2017 enacted bill. Bill language states that rescissions to the Science and Technology and Environmental Programs and Management account were to be applied to program project areas to, “to reflect changes to funding projections due to routine attrition during fiscal year 2017.” Therefore, it was not the intent of Congress to terminate funding for employee wellness and worklife initiatives.

McCollum Q1: The Reprogramming Guidelines for programs and activities funded in our bill specify that agencies should notify Congress of any significant departure from what has been described in the agency’s budget justification. The FY 2017 enacted anticipated fitness subsidies would be provided as part of the employees’ wellness package. If your intent is to do otherwise, why wasn’t Congress notified?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q2: The leading causes of death and disability in the United States are not only preventable but also responsive to workplace interventions. Worksite health and wellness programs help employees move toward an optimal state of wellness, and the U.S. Office of Personnel Management, in accordance with the authorization under 5 U.S.C. 7901, encourages agencies to develop and sustain programs that address the current and future needs of their employees to produce the healthiest possible workforce. What is the justification for eliminating the funding for fitness subsidies halfway through the fiscal year?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q3: How does halting the funding for fitness subsidies impact the collective bargaining agreement reached with unions representing EPA employees? What response have you received from the unions from your notification?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q4: How will EPA spend the funds that would have otherwise been used for fitness subsidies?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q5: What other reductions proposed in the FY 2018 budget request is EPA implementing in FY 2017?

Answer:

Ex. 5 - Deliberative Process

Administrator Pruitt's Undisclosed Email Accounts *(OA)*

When I referred to a recently discovered official email address – esp@oag.ok.gov – that Administrator Pruitt used while Attorney General of Oklahoma but did not disclose despite repeated requests during his confirmation process, he volunteered this explanation “If I may, both in my oral testimony, as well as there’s a letter actually that I submitted to the EPW Committee in May that recognized multiple state email accounts... so we’ve informed Committee, that was consistent with my oral testimony.”

McCollum Q6: Please provide the relevant excerpt(s) from Administrator Pruitt’s oral testimony and the letter he referenced. Additionally, please provide the relevant questions for the record and his responses.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q7: Administrator Pruitt committed to provide our committee with the email addresses and information about other forms of electronic communication that he is using as EPA Administrator. Please provide those details.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Congressional Inquiries (*OA/OCIR*)

McCollum Q8: What is the policy at the Department with regard to responses to congressional inquiries?

Answer: Ex. 5 - Deliberative Process

McCollum Q9: More specifically, is there a policy or guidance that would prohibit or delay responses to Ranking Members of Congressional Committees or Subcommittees of jurisdiction?

Answer: Ex. 5 - Deliberative Process

McCollum Q10: Is there a policy or guidance that would prohibit or delay responses to Democratic Members of Congress?

Answer: Ex. 5 - Deliberative Process

McCollum Q11: If such policies or guidance are in place to prohibit or delay responses to Ranking Members or all Democratic Members, was such developed in consultation with the White House or the Office of Management and Budget?

Answer: Ex. 5 - Deliberative Process

Overview (Office of Budget)

The FY 2018 Budget request for the Environmental Protection Agency is \$5.66 billion, a reduction of \$2.4 billion or 30% below the FY 2017 enacted level as well as reduction of one quarter of the staff. These cuts address almost every program for clean air and water and threaten the health of children and the elderly.

McCollum Q12: Administrator Pruitt has stated he wants EPA to go back to the basics of protecting our air, water, and land, but the budget makes major cuts in air, water, waste, chemical safety, pesticides, enforcement, and research, not to mention the reductions you propose in

categorical grants to states. How can a budget like this not jeopardize the health and well-being of Americans as well as all who inhabit the Earth?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q13: Can Administrator Pruitt assure the Committee that he does not want to see this Nation's environmental progress rolled back?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q14: What analysis did EPA do to determine the impact of the proposed reductions on health and environmental protection?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q15: How many more deaths, heart attacks, hospitalizations and lost work days Americans will suffer as a result of these reductions?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q16: If no specific analysis was done on these metrics of these reductions, what basis does the Agency have for saying EPA and states can adequately protect public health and the environment?

The budget also proposes to cut categorical grants to states by either 30% or zero them out completely, and eliminate 46 programs. EPA and the states together have made major progress in improving public health and environmental quality over the years.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q17: On what basis did EPA decide what is and is not a core statutory responsibility, and how do the Agency reconcile such drastic cuts in core programs with Administrator Pruitt's previous statements about the mission of EPA?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q18: What type of analysis did EPA conduct on the 46 programs it proposes to eliminate?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q19: Please provide that analysis to the Committee, specifically the data on the impact to the health of families and communities across this country that will result from these eliminations.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q20: Please include information on the other agencies or programs will do this work in the absence of federal funding.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q21: If the Agency has not done any detailed analysis, on what basis does EPA justify its decision to eliminate these programs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA/OP)

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is acceptable and if so, on what basis and with what training?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

ORD

McCollum Q25: Can Administrator Pruitt assure the Committee that he will uphold scientific integrity policies at EPA, allow EPA scientists to do their work unimpeded and guarantee that Americans will have access to the research and information they have paid for?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q26: What assurance can EPA give the Committee that EPA Office of Research and Development and EPA's science labs will be fully supported to conduct critical independent science that is the basis for protecting the public?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q27: With EPA's current hiring freeze are key technical positions at the agency currently filled with qualified scientists free from conflict of interest?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q28: Since 1970, EPA and states, working in partnership, have achieved major improvements in human health and environmental protection, but threats such as contaminated runoff that pollutes our waters, endocrine disruptors, and new emerging threats need to be addressed. How can EPA possibly have the necessary resources and staff to protect human health, the environment, and our economy?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q29: EPA is obligated to uphold specific statutory responsibilities to protect human health and the environment, how can EPA assure this Committee that with the draconian cuts proposed in this budget that it can meet those mandates, especially with more than a third fewer scientists and a 30% reduction in funding?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q30: In 2007 the Supreme Court ruled in Massachusetts v. Environmental Protection Agency that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO2 based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD/OECA)

McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Administrator's Schedule and Travel Budget

(O4)

McCollum Q34: Does EPA plan to regularly release the Administrator's schedule to the public?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OECA)

McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA)

McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Voluntary Programs (OAR)

McCollum Q39: The budget calls for eliminating all of the voluntary partnership programs for reducing greenhouse gases and other air pollution. These programs, which have bi-partisan and industry support, are proven to lower emissions. How will you make up for the emission benefits that are lost?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hydrofluorocarbons (*OAR*)

McCollum Q40: The budget states that the EPM account for the GHG Reporting Program is being cut to “streamline”, among other things, the use and emissions of the greenhouse gases, hydrofluorocarbons, under the Clean Air Act SNAP program. What does EPA mean by “streamlining” the program? What would change about the very important work this program does?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. Global Change Research Program (*ORD*)

McCollum Q41: Also being “streamlined” as part of the budget cuts to the GHG Reporting Program is the technical support EPA provides to the U.S. Global Change Research Program. What do is meant by “streamlining” that support? Describe what support has EPA provided to date and how will that support change.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Water pollution -

OW

McCollum Q42: The budget proposes to eliminate state grants for non-point source pollution programs, when contaminated runoff and other non-point pollution is a principle cause of water quality problems. It also proposes to cut other state water grants, surface water and marine protection funding for EPA, and eliminate the national estuaries program. How is cutting EPA and state capacity consistent with improving the quality of our nation’s waters?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OW

McCollum Q43: In April, Administrator Pruitt paused clean water protections against coal plants dumping toxic metals such as arsenic and mercury from power plants into public waterways that can infiltrate community drinking water intakes. How much of this coal ash sludge is safe in the drinking water supply?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q44: EPA's postponement is being challenged in a federal court and Administrator Pruitt has been criticized for only focusing on the potential costs of the rule while ignoring its benefits and endangering wildlife and exposing families that live near coal plants to heavy metals that can cause problems with cognitive development in children. Why did EPA disregard years of peer-reviewed studies, input from health experts and public comments supporting these protections?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q45: How is the Agency reconciling the difference in the impacts on jobs associated with compliance as estimated by EPA with the impact purported by the industry's analysis?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Office of Water - *OW*

McCollum Q46: The FY 2018 budget cuts clean drinking water programs by 18% for Human Health and 16% for Water Quality. Why should American's be subjected to decreases in Water Quality due to lack of investment?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Air Pollution - OAR

The Administration budget calls for steep cuts in two accounts that fund activities at the heart of Clean Air Act implementation. One account funds EPA's work to review and update national air quality standards and national emissions standards. The second account funds a multitude of EPA activities to support state and tribal air programs for meeting national air quality standards, reducing toxic air pollution, assuring that new sources have state-of-the-art controls, and protecting visibility.

McCollum Q47: How can the huge cuts in these two key air program accounts be achieved while meeting EPA's responsibilities under the Clean Air Act?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q48: Has EPA identified what specific activities would be eliminated or reduced by the proposed reductions? If so, please provide an accounting that explains for each of these budget categories (federal stationary source regulations, federal support for air quality management) the activities that will be cut back, and the savings in dollars and personnel from each one.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q49: How will the proposed budget reductions impact EPA's ability to meet its existing obligations under the Clean Air Act and take on the new work required to carry out the January 24 Presidential Memorandum, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs."?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Accessibility to Data and Data Acquisition -- QA/OPA

McCollum Q50: Is all the scientific data associated with climate change that was available under the Obama Administration on EPA website still accessible today?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q51: Since taking office, what guidelines has Administrator Pruitt issued for determining what information will be available?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q52: Will there be any data loss as a result of the budget's proposed program eliminations in FY 2018? If so, what date and how will this impact EPA's ability to have the continuity of data necessary to make projections into the future with a high degree of confidence?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by EPA to develop guidance, regulations, and make important management decisions.

(OA/SAB)

McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

(OA/ORD)

McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

(ORD)

McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated "EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q61: The BOSC is an 18-member advisory committee. What is the current membership?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA) -

McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

(OA/OAR)

McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget (\$646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA)

McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA/ORD)

McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not

just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify strategies to reduce redundancy and costs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(04)

McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Categorical Grants for States and Tribes (Office of Budget)

The budget proposes to cut the categorical grants to states and tribes by 44 percent. States rely heavily on these grants. According to a report from the Environmental Council of the States, federal funds account for, on average, 27 percent of state environmental budgets. Congress designed Federal environmental programs so that they would be administered at the states and local levels where possible. But EPA has a responsibility to provide national environmental leadership by establishing minimum national pollution standards and providing technical support to states.

McCollum Q75: How will these proposed cuts affect the states' abilities to implement environmental programs? Will it have consequences for their staffing levels?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q76: How will this affect EPA's ability to conduct appropriate oversight and provide technical assistance to ensure that states have good environmental management practices?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q77: How is this consistent with improving the quality of our nation's waters or protecting the air we breathe?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q78: How does EPA recommend that states make up for this funding shortfall?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Staffing and Employee Morale

The March 2017 Executive Order directs the reorganization of the Executive Branch.

Office of Budget with OARM

McCollum Q79: In light of the 30% reduction in EPA's FY 2018 Budget request and the proposal to reduce approximately 3,800 FTEs from the FY 2017 enacted level, how is EPA approaching developing such a plan and how will the Agency be transparent and keep employees informed?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q80: EPA's proposed workforce, the smallest since 1984, is still task with administering 7 major congressionally mandated programs including new workload such as the Toxic Substances Control Act. How will a reduction of this many staff not affect productivity?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q81: In FY 2017, Congress provided funding to maintain staff capacity to conduct work necessary to meet EPA's mandated responsibilities. The FY 2018 budget reduces funding for those very programs. Can EPA assure Congress that none of the actions it is taking in FY 2017 violate the Impoundment Act?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q82: The budget proposes to cut support for employee wellness and worklife initiatives, such as federal cost share for fitness centers, health wellness, and CPR/ AED training services and libraries.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Staff Reductions

EPA has carved out \$12 million in staff buyouts for the current fiscal year.

McCollum Q83: Will a Reduction in Force be necessary to reach EPA's proposed staffing level? If so, for how many positions and will EPA apply the Reduction in Force equally across both headquarters and regional offices? If not, what formula will the Agency use to do this?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q84: When a person loses their job thru a RIF they are entitled to severance pay, which can, depending on age and service time, easily be a full year's salary. How has the Agency calculated that cost?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q85: The FY 2018 budget proposes a new program project titled Workforce Reshaping which includes \$11 million in Science and Technology and \$47 million in Environmental Program and Management to support organization restructuring.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q86: How does EPA propose to spend this money?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q87: What programs did you cut in FY 2018 budget to find the resources for this new program project?

Answer: **Ex. 5 - Deliberative Process**

McCollum Q88: If Congress agrees with the Administration's proposal for these significant staff reductions, how will EPA prioritize cuts in personnel so that the Agency can still fulfill its important charge to safeguard human health?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q89: Will EPA consider the risks to human health and the environment from staff reductions in particular program areas?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q90: How will EPA maintain the scientific and technical expertise needed to do this essential human health work when so many seasoned professionals opt to retire early?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q91: How will EPA enforce our environmental laws if EPA regional offices, who have primary responsibility for enforcement, are closed?

Answer: **Ex. 5 - Deliberative Process**

Regulation Review

(OA/OP)

Executive Order 13783 on Promoting Energy Independence and Economic Growth requires a review of all regulations.

McCollum Q92: How is EPA going about conducting this review and what scientific evidence and economic assumptions or models is the Agency relying on for the basis of its decisions?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q93: Environmental regulations already undergo a rigorous analysis of costs and benefits as they move through the regulatory process. In its annual accounting to Congress last year, OMB found that benefits of major rules EPA officially adopted from 2005-2015 exceed their costs by up to 13 times (OMB 2016). A 2011 peer-reviewed EPA assessment of the long term benefits and costs of the Clean Air Act and its implementing regulations found that its middle estimate of annual benefits exceeds costs by 30 to one--that's \$2 trillion in net benefits vs. \$65 billion in costs. Which specific EPA regulations does EPA believe are overly stringent and in need of scaling back?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q94: Administrator Pruitt has expressed concern about the compliance costs of particular industries, please provide an estimate of the change in net benefits to the American public from rolling any regulations back.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q95: Has the Agency considered the additional cost to industry of facing a patchwork quilt of different state requirements instead of one federal standard?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q96: What steps has EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q97: How is EPA choosing which two regulations to repeal for every new regulation promulgated?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

(OGC)

McCollum Q98: In EPA's regulation review has the Agency consistently adhered to the requirements of the Administrative Procedures Act, specifically the notice-and-comment period that gives the public time to respond to any proposed changes by the government?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

(OCSPP)

McCollum Q99: How does EPA justify delaying the effective date for the companion rule for Pesticide Applicator Protection for an additional year to May 22, 2018?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

OCSPP

McCollum Q100: Is EPA proposing any changes to its plans for assessing the risk of pesticides for endangered species?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q101: Does the FY 2018 budget provide the staff and resources needed to adequately assess the risk of pesticides for these species?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q102: EPA extended the effective date for emissions standards, record keeping, and labeling provisions for formaldehyde emissions until March 22, 2018. How is this not creating an unfair advantage for foreign imports over North American manufacturing of composite wood products?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

¹ For more information about implementing recommendations found in the NAS report: [[HYPERLINK](https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and) "https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and"]

Ex. 5 - Deliberative Process

(OA/OP)

McCollum Q103: How does EPA plan to defend the many inevitable lawsuits it will face from rolling back environmental regulations? Is this really the most effective way for EPA to fulfill its mission?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q104: Executive Order 13777 required the head of each agency to designate a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies to ensure agencies effectively carry out regulatory reforms, consistent with applicable law.

Answer: Ex. 5 - Deliberative Process

McCollum Q105: Who have you appointed as the Regulatory Reform Officer for EPA and what are their credentials?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

[PAGE * MERGEFORMAT]

Ex. 5 - Deliberative Process

Chesapeake Bay - OW

Chesapeake Bay is the nation's largest estuary in which 18 million people live and work; there are 3,600 types of fish, wildlife and plant life that underpin the economic value of the ecosystem; and where in a voluntary partnership with other federal, State, local, and NGOs, academic institutions, private businesses and individual citizens, 10 Goals for restoring the ecosystem have been set to be met by 2025.

McCollum Q106: Just when the Chesapeake Bay is beginning to show improvement the FY 2018 budget cuts the funding across for all Geographic Programs, including the \$73 million for the Chesapeake Bay. Who will step into the role EPA has played of coordinating all the partners in this exemplary effort?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q107: Efforts to restore the Chesapeake Bay are seen as a national and international model for sustainable use of coastal regions. What message are we sending about our leadership and commitment when we reduce funding to such an exemplary project from which recovery lessons can be duplicated in coastal regions worldwide?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Environmental Justice – OECA and OA

The budget eliminates all resources for the Environmental Justice program. The budget claims that EPA will incorporate EJ work within the Integrated Environmental Strategy program within the Office of the Administrator; however, no there is no associated funding requested. The budget also eliminates the lead program, which works to reduce disparities in blood lead levels between low income children and non-low income children.

McCollum Q108: What Environmental Justice work will be discontinued as a result of the elimination?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q109: How much funding in the FY 2018 budget is dedicated for Environmental Justice work in the Integrated Environmental Strategy program?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q110: How many staff will be reassigned or terminated due to the elimination?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q111: How will EPA identify and track low income and minority communities that are disproportionately burdened by pollution?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q112: The recent tragedy in Flint, Michigan, in which low income minority children were poisoned by lead in their drinking water, reminded the country of the danger of lead poisoning. How will EPA ensure that all children are protected, even in states that do not have their own lead program?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Enforcement - Office of Budget

McCollum Q113: Thanks to the work of this office, settlements were negotiated from EPA actions with Volkswagen AG and BP PLC spill that have resulted in funds going to states and communities. Given the proven success of this office, why does the FY 2018 budget propose to cut Enforcement by 23%?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q114: The budget justification states that EPA will focus the civil enforcement program's resources on "programs that are not delegable [to states] or where a state has not sought or obtained the authority to implement a particular program." Does this mean that EPA will no longer take any enforcement actions against polluters violating federal environmental rules that a state has authority to enforce? Under EPA's approach, what would happen if a state - due to lack of resources or political pressure -- fails to enforce a federal environmental rule against a violating polluter?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA

McCollum Q115: What will be the impact of the proposed cuts to enforcement on the number of state and federal facility inspections, the amount of compliance assistance, and the number of enforcement actions that states and EPA have the capacity to pursue?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Energy Star and Water Sense – OAR and OW

Through EPA's Energy Star and Water Sense programs, Consumers can save money by reducing their energy and water use while helping to protect the environment. These programs have motivated private sector investments, and moved the goal post on efficient technologies in the market place.

McCollum Q116: With a history of bipartisan support and immense value-added for businesses and consumers alike, what is EPA's rationale for throwing out 25 years of investment in these programs in the coming fiscal year? Isn't it a good thing when Americans can lower their energy bills and drinking water costs, reduce pollution, and help implement EPA's statutory mandates for clean air and water, all at the same time?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q117: Does Administrator Pruitt believe these programs represent an appropriate role for a federal agency? If not, how does he envision that the private sector will continue to develop product guidelines in partnership with a patchwork of state and local governments and competing businesses?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q118: What private organization might take on the breadth and complexity of these programs, is unbiased, can hire and gear up quickly to set up the networks and infrastructure necessary to manage these programs? If none currently exist, isn't it premature to cut the budget of respected and valued programs with great consumer and environmental results?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toxics and peer review (OCSP/ORD)

Many state and local governments rely heavily on US EPA's office of research and development's assessments of hazardous chemicals like the Integrated Science Assessments under the Clean Air Act or the IRIS program for toxics to set their clean up levels for hazardous

pollutants like known neurotoxins such as lead and carcinogens such as benzene. The current president's budget targets these scientific functions for large cuts.

McCollum Q119: How will EPA increase its support to state and local agencies to perform those scientific assessments on a case-by-case basis?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q120: How will EPA ensure that adequate health protection that follows the health evidence results for all Americans including vulnerable populations like pregnant women, infants, children, and seniors to protect them from these known and emerging hazards?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hazardous Substance: Superfund Account

OAR

McCollum Q121: The budget eliminates funding for Radiation: Protection and states that EPA will explore alternatives to manage potential radiation risks at Superfund and hazardous waste sites to meet requirements and will explore alternatives to meet its statutory obligation, as mandated by Congress, to implement regulatory oversight responsibilities for Department of Energy activities at the Waste Isolation Pilot Plant facility. Where is this work funded in FY 2018? If there is no funding proposed in the budget, how will EPA meet its regulatory responsibilities?

Answer: **Ex. 5 - Deliberative Process**

McCollum Q122: What is the impact of this work not being done in FY 2018? What are the risks to human health if this work is not done?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

OECA

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

OCFO

McCollum Q124: The budget states that the timeline for modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) is extended as a result of the budget cut. What is the revised date of completion as a result of the funding cut? How long is the delay? What is the total cost of this project and how much has been funded to date?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

OECA

McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases

of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q126: The budget states that there are 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects, yet this program is eliminated. How will EPA ensure that appropriate oversight is conducted at these sites? Will the funding elimination affect the timeline of the cleanups and, if so, by how long?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OLEM

McCollum Q127: How much funding does the budget cut for support for the headquarters and regional Emergency Operations Centers? What is the specific impact of these cuts? Will the EOCs be staffed by fewer employees? Will the Agency's operational readiness be affected by the resulting impacts to the EOCs and, if so, how?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q128: The budget states that the proposed reduction to the Homeland Security: Preparedness, Response, and Recovery program project will cause the Agency to have to reevaluate the need to use PHILIS and ASPECT for emergency response activities. ASPECT is the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform and it is available to assist local, national, and international agencies supporting hazardous substance response radiological incidents, and situational awareness in the US. PHILIS is EPA's mobile laboratory asset for the on-site analysis of chemical warfare agent and toxic industrial compound contaminated environmental samples Is EPA considering discontinuing ASPECT and PHILIS? Does the budget request impact operation of ASPECT and PHILIS? If discontinued, how would EPA fill this gap, what platform would conduct this work? How would states and local governments obtain these services?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q129: How will this affect workplace morale? Is discontinuing these services consistent with the rest of the federal government?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q130: The budget cuts \$34 million from the Superfund: Emergency Response and Removal program project. How will this cut affect EPA's ability to respond to emergency response actions, removal assessments, and time critical response actions? What won't get done as a result of this reduction?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q131: The budget proposes to cut \$167 million or 33% from the Superfund: Remedial program and as a result will have to prioritize resources on NPL sites that present the highest risk to human health. How many NPL sites will not receive funding as a result of the cut? How many new sites will not be listed or have the cleanup process initiated as a result of the cuts?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Leaking Underground Storage Tanks - OLEM

McCollum Q132: The budget request cuts \$16 million from LUST Cooperative Agreements, which support states in managing, overseeing, and enforcing cleanups at LUST sites. The budget request also eliminates fund for LUST Prevention. What will be the resulting cut to each state? How many fewer LUST cleanups will occur due to the cuts? How much of a states' budget for LUST cleanups does this funding represent? How many fewer inspections will occur?

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Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Pollution Prevention - OCSP

The budget proposes to eliminate work in several EPA offices authorized under the Pollution Prevention Act, which was enacted in 1990 to focus industry, government and public attention on reducing the amount of pollution through cost effective changes. It also eliminates EPA's pollution prevention work under the Clean Air Act, Section 7401(c), of which the "primary goal is to encourage or otherwise promote ... actions...for pollution prevention."

McCollum Q133: The budget justifies significant reductions and program eliminations as the Agency refocusing on core work. Under Administrator Pruitt's leadership, does EPA consider pollution prevention part of EPA's core statutory work?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marine Pollution - OW

The budget proposes to eliminate the Marine Pollution Program. EPA is responsible for managing, along with the Army Corps, ocean disposal of sediments dredged from our ports, harbors and shipping channels to maintain the safe passage of military, commercial, and recreational vessels. EPA helps to ensure that radioactive waste, toxic chemicals, and sewage sludge that directly affect human health are not dumped into our coastal and ocean waters.

McCollum Q134: What is the impact of this proposed elimination on the health of the marine ecosystem? By how much will the percent decline of active dredged material ocean dumping sites achieving environmentally acceptable conditions?

Answer: EPA will seek opportunities to continue to meet statutory mandates, including those of the Marine Protection, Research, and Sanctuaries Act (MPRSA), to the extent possible within the Surface Water Program.

[PAGE * MERGEFORMAT]

McCollum Q135: How will the proposed cuts affect data collection and maintenance?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q136: State and local governments will be directly impacted by degradation of their coastal resources, however, these entities do not have authority over ocean dumping in marine waters. If the marine program is eliminated as requested, how will EPA prevent, monitor, and control pollution in those waters?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Drinking Water - OW

Just last year we had a public health disaster in Flint, Michigan, where local residents were exposed to dangerously high levels of lead in their drinking water. Yet, the budget proposes to cut the drinking water program funding by 17 percent and the Public Water System Supervision Categorical Grant program by 30 percent.

McCollum Q137: How will these proposed reductions impact the States' abilities to provide technical assistance to owners of public water systems?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q138: How will the proposed cuts affect data collection and maintenance?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q139: What will be the impact of the reductions on laboratory certification and sample analysis?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q140: How will the proposed cut impact EPA's training and technical assistance to States, tribes, and public water systems for compliance with Safe Drinking Water Act regulations?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q141: According to the budget request, in FY 2016, nearly ten percent of the population served by Community Water Systems received drinking water that did not meet all applicable health-based drinking water standards. How will these proposed cuts affect EPA's ability to address on-going compliance challenges? What activities will be reduced?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Research and Development - ORD

EPA laboratories are resources for EPA as well as states, tribes, municipalities, and other federal agencies.

[PAGE * MERGEFORMAT]

McCollum Q142: At the proposed funding levels in the FY 2018 budget request, how will EPA retain the expertise of the scientists at these laboratories? Does the Agency intend to close any of the labs?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

National Vehicle and Fuels Emission Laboratory (*OAR*)

The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is an integral part of EPA Office of Transportation and Air Quality. Through this program EPA develops, implements, and ensures compliance with national emission standards to reduce mobile source related pollution and ensure air quality benefits and fair competition in the marketplace.

McCollum Q143: The budget request notes that there is an increased demand for the outcomes from this program, but proposes reducing the program by \$17 million. Has EPA analyzed the resultant economic impact on manufacturers or the health and economic impact on consumers' from this proposed reduction of work?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q144: The Lab's work also protects industry by ensuring all automakers play by the same rules and to hold companies accountable that gain an unfair and illegal competitive advantage. Engineers at this Lab were instrumental in uncovering evidence on Clean Air Act violations that led to Volkswagen paying billions of dollars to their customers and to mitigate for pollution emitted from their cars and the current lawsuit against Fiat Chrysler and discrepancies in its auxiliary emission control devices. How would the proposed reduction impede the oversight that results from the work of this Lab?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q145: In order to meet the demand from the auto industry, how will EPA fill the funding gap that would result from the proposed reduction? Does EPA intend to create new user fees for the lab above the ones that the industry already pay?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q146: In March, EPA issued a notice of intent to reconsider the final determination on the appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards. At the proposed budget levels, how does EPA intend to conduct the analysis that this reconsideration will entail?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q147: What are the next steps in the process?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q148: Will EPA officially withdraw the final determination? If so, when?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q149: Will there be another proposed determination and public comment period?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q150: Will EPA and NHTSA produce another Technical Assessment Report? If so, does the proposed FY18 EPA budget provide enough resources to ensure a robust assessment?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Eliminating Programs
Great Lakes - OW

The Great Lakes support a \$7B annual fishing industry and over 40 million people in this region depend on the Lakes for drinking water. Ecologically healthy lakes are necessary for the lakefront and recreational opportunities the Lakes provide for millions of people which contributes to local economies. Yet the FY 2018 budget shortsightedly proposes to eliminate \$300 million for the Great Lakes Restoration Initiative. This reduction will impact cleaning up toxic algae, phosphorus from sewage treatment plants, and other pollutants that threaten water supplies and make it dangerous to eat the Lakes' fish. It is will also jeopardize the work of Federal agencies, states and stakeholders to address invasive species like Asian carp.

McCollum Q151: How does EPA justify eliminating this program, and the many other geographic programs like it that are critical for healthy regional ecosystems?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q152: Why aren't protecting these irreplaceable resources considered a basic function of EPA?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q153: The Great Lakes effort is a multi-state effort which benefits from federal funding and staff support. Absent federal participation which encourages a collaborative effort to clean up ecosystems that span more than one state, what does EPA envision these efforts will look like moving forward?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q154: If funding is eliminated as proposed, how will EPA handle projects which are and could be in the middle of sediment remediation? Is there any risk that halting work could result in an environment hazard more dangerous than if the work had not been initiated?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q155: What would happen to projects which are recently completed but may be in the warranty work phase where habitat restoration or continued treatment for invasive species is

being carried out? Sometimes these activities continue for 2-3 years. If this work is stopped, wouldn't the full benefit of the investment be lost?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q156: How would EPA manage the internal support contacts and the contract with Cetacean Marine associated with the maintenance and operation of the research vessels Lake Guardian and Mudpuppy II?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q157: What would be the associated costs of ceasing operations of the Lake Guardian and Mudpuppy II? Would the vessel be put into dry dock or would EPA dispose of it?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Managing Environmental Protection

Merging Regional Offices - Office of Budget with OARM, OLEM

It has been reported that EPA is conducting an analysis regarding merging regional offices that is due to the Office of Management and Budget on June 15, 2017.

McCollum Q158: How would EPA plan to continue the Agency's close working relationship with states, with less regional staff and more distance involved?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q159: What are the specific health impacts and environmental impacts of closing regional offices? How will these closures affect EPA's mission to enforce environmental laws and otherwise protect the environment and human health?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q160: Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q161: How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q162: How would EPA replace the on-the-ground knowledge, technical expertise and leadership in these regions, so essential to developing an acceptable resolution when a company is charged with a violation, to ensure that environmental compliance?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Combined Heat and Power Partnership - OAR

The Combined Heat and Power Partnership provides technical support, makes business-to-business connections, and issues achievement awards to its roughly 400 partners. Since its launch, the Partnership has been credited with supporting roughly one-third of CHP installations. These projects slash energy use and costs, making their hosts more competitive and cutting carbon emissions. They also make our energy infrastructure more reliable, since CHP projects can keep the lights on when the grid goes down.

More than 100 businesses, advocates and associations – including Ameresco, Siemens and Solar Turbines – have joined a letter reaffirming the great value of the CHP Partnership and of CHP itself.

McCollum Q163: Given the Administration's commitment to improving our industrial competitiveness compared to our international competitors – and the great support that the CHP Partnership has provided since 2002, why does the Administration want to eliminate it?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Environmental Monitoring - OAR

EPA tracks changes in nitrogen deposition and sulfur deposition to assess the effectiveness of the Acid Rain Program and related programs. The agency also tracks changes in surface water acidity in lakes and streams in acid sensitive regions to assess the change in the number of chronically acidic water bodies. The Administration budget proposes that EPA close seven of 59

EPA-sponsored CASTNET monitoring sites (six on Tribal lands) and seven of EPA's 32 National Atmospheric Deposition Program sites.

McCollum Q164: How will this reduce EPA's ability to measure the results of the Acid Rain Program and related programs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Elimination of Alternative Dispute Resolution - OGC

McCollum Q165: What are the benefits of EPA's use of alternative dispute resolution, and what analysis has EPA done that indicates program offices are able to conduct ADR on their own, without support?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Climate Change: GAO High Risk Area (OAR)

McCollum Q166: According to EPA's budget, in 2013, the Government Accountability Organization designated climate change as a "High Risk" area, noting that climate change poses management challenges for the federal government at large, and that EPA will play a role in addressing this challenge. Since the budget request eliminates 91% of the climate change funding, what role will the Agency play in addressing this challenge?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Clean Power Plan (OAR)

McCollum Q167: What is EPA's plan to provide the same level of greenhouse gas emissions reductions as the Clean Power Plan and other rules the Agency plans to reexamine?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q168: When does EPA anticipate its review of the Clean Power Plan will be completed as every passing month delays the important emission reductions this plan was designed to achieve?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q169: Is EPA planning to extend the administrative stays of any other regulations that reduce greenhouse gases from stationary sources which it is currently reviewing?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ozone - OAR

McCollum Q170: Ozone is the main component in smog and has been scientifically proven to aggravate lung diseases, increase the frequency and severity of asthma attacks, and reduce lung function. EPA estimated that the benefit of an updated standard of 70 parts per billion will yield health benefits of \$13 billion each year. However, Administrator Pruitt has delayed the compliance deadline by a year. What will be the health impact and additional cost to the public of this delay?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Chlorpyrifos (OCSPF)

Administrator Pruitt, during your testimony to our subcommittee you stated that the USDA had a differing opinion from EPA's scientists on the dangers of chlorpyrifos. You sided with the

[PAGE * MERGEFORMAT]

USDA in that disagreement when you rejected the petition to revoke food tolerances of chlorpyrifos.

McCollum Q171: What scientific evidence and peer-reviewed studies were the basis of the USDA's conclusions? Do they have data that shows there is a safe level of exposure to chlorpyrifos, particularly for children and pregnant women? Who determined that the USDA's science is more reliable or valid than EPA's, and what process or standards did they use to come to that conclusion?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q172: EPA has historically consulted with the USDA on pesticide related issues, but your testimony indicated that the USDA now has the power to overturn the conclusions of the Agency's own scientists. Has the USDA been elevated to the role of overseeing any decisions on pesticides under the Trump Administration? If so, who issued and approved of this guidance.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

OCSPP

McCollum Q173: The mission of the USDA is very different from the mission of EPA. The USDA's mission is to provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues. EPA's mission is to protect human health and the environment. Is the protection of human health and the environment still the mission that is guiding decisions on pesticide use under your leadership?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Environmental Impact on Children's Health

It is estimated that 88% of the existing global burden of disease attributable to climate change occurs in children younger than 5 years old in both industrialized and developing countries. Climate change is currently affecting child health through increased heat stress, decreased air quality, altered disease patterns of some climate-sensitive infections, physical and mental health effects of extreme weather events, and food insecurity in vulnerable regions. Outdoor air pollution is linked to respiratory problems in children, including decreased lung function, coughing, wheezing, frequent respiratory illness, and asthma exacerbation. Children bear the burden of negative health outcomes resulting from exposure to pollutants across their lifespan.

(OAR)

McCollum Q174: EPA has put a hold on efforts to make our air cleaner by pausing work on the ozone standard and the Clean Power Plan. Is EPA calculating the costs to children and their families from all of the health effects of polluted air and accelerated climate change?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA)

McCollum Q175: As EPA Administrator overseeing this regulatory review, are you consulting with pediatric associations, patient organizations, or other representatives for children's health to determine the cost burdens that rolling back these regulations would place on impacted families and our health care system as a whole?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q176: How will the benefits to children of strong environmental regulations be weighed in comparison to the costs to some businesses of meeting those regulations in any final decisions?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Tribal Treaty Rights and Tribal Consultation - OITA

In February 2016, the Agency finalized the “EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights”. That Guidance begins with the statement that, “EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so.”

McCollum Q177: Does the Agency intend to continue to implement this Guidance under your leadership? Does the Agency continue to stand by the conclusion that you have an obligation to protect treaty rights and consult with tribal nations if those rights may be impacted by a proposed EPA action?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q178: The Guidance states that, “As part of its commitment, EPA will emphasize staff training and knowledge-sharing on the importance of respecting tribal treaty rights in order to better implement this Guidance”. What training has been done for staff on this topic since you were confirmed as Administrator? Does the Agency intend to provide such training in the future?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q179: Is the Agency engaging in formal tribal consultation during the review of regulations that you are currently undertaking? What efforts is the Agency undertaking to evaluate the impact that any changes to existing regulations may have on tribal treaty rights throughout the nation?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q180: Tribal nations rely on many EPA grants and programs to protect their treaty rights and maintain the environmental health of the ecosystems that support their hunting, fishing, and gathering rights. Has the Agency engaged with tribal nations following the release of the Fiscal Year 2018 budget about the decision to cut funding for programs across the Agency that tribes rely on such as the Indian General Assistance Program, the State and Tribal Assistance Grants, the Great Lakes Restoration and Puget Sound geographic programs, and others? Are you consulting with tribal leaders around planning for implementation of this budget? Are you seeking tribal input on investments needed to protect tribal treaty rights as you develop your Fiscal Year 2019 budget?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q181: Please provide the Committee with a detailed list of all efforts to engage in tribal consultation. Additionally, please provide the Committee with a detailed analysis of the current funding that EPA distributes to tribal nations across all accounts and grants, and how the cuts proposed in the Trump Administration FY18 budget would affect it.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. Pingree:

Brownfields - OLEM

An EPA program that is of vital importance to the communities of New England and Maine in particular, is the Brownfields program. The capital raised through Brownfields investments has

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been extremely effective in turning community liabilities into assets throughout the state. And EPA itself has told us that brownfields leverage \$17 dollars for each dollar spent.

Pingree Q1: When you have publically supported the work of this program, why would this Administration turn away from the Brownfields program that leverages its funds so efficiently with a \$17 to \$1 return on investment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

National Estuary Program - OW

One of the programs that you have at EPA that is relatively small in the scope of your budget, but that brings critical funds to coastal communities is the National Estuary Program. The work that they are doing on the ground in habitat restoration and protection helps in the 28 watersheds nationwide.

One of those critical watersheds is in Maine, the Casco Bay Estuary. They work with partners across Southern Maine to monitor our watershed in the Casco Bay and to use the data they find to help our fishermen, and our communities. But under your budget proposal, the program is proposed for elimination and the funds are not repurposed elsewhere but the work of this program will be entirely gone. On average, the NEPs raise \$18 for every \$1 provided by EPA.

Pingree Q2: Why does the FY 2018 budget propose to eliminate the NEP which provides such a clear benefit to the American taxpayer?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Wood Heater Standards - OAR

Pingree Q3: Can you provide for the record information and status of EPA's New Source Performance Standards for New Residential Wood Heaters given that there is a May 2020 effective date for Step 2 of this rule?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

[PAGE * MERGEFORMAT]

Ex. 5 - Deliberative Process

EPA Water Sense Program - OW

Pingree Q4: Given that fact that many business and citizens were affected by drought and water supply shortages in recent years, and given the proposed cuts to programs at EPA such as Energy Star and Water Sense, how will EPA continue to support economic development that is based on significant water savings in drought stricken areas?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toxics Funding - ORD

Pingree Q5: Given the 31% cut to the Chemical Safety for Sustainability research program, what are the potential impacts on the research and evaluation of human health effects of chemicals?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Kilmer:

EPA Ecolabel Program - OCSPP

In 2015, EPA issued procurement recommendations for forest products that discriminated against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS) – thereby excluding forest products produced from hundreds of millions acres of private, state, and federal forestlands. These recommendations were also inconsistent with the USDA’s Biopreferred Program, which puts all forest certification programs on a level playing field. The Fiscal Year (FY) 2017 Consolidated Appropriations Act directed EPA to provide a report to the Committee within 60 days regarding the current state of the agency’s Ecolabel program. The Committee also recommended that in developing the guidelines to evaluate eco labels that are used in Federal purchasing for building construction and other uses, EPA should be fair, transparent, and consistent with other product requirements.

Kilmer Q1: What is the anticipated timing for the completion of the report called for in the FY 2017 Consolidated Appropriations Act?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Kilmer Q2: Please outline the steps EPA will take to ensure that guidelines for the Ecolabel program will be developed in a transparent manner, inclusive to all certified sustainable US grown and manufactured forest products, and consistent with existing federal procurement policies like the USDA’s Biopreferred program.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Energy Star - OAR

EPA has a voluntary, non-regulatory, partnership program with private and public property owners called ENERGY STAR for buildings. Foundational to the program is an energy management and tracking tool developed and maintained by EPA called “Portfolio Manager” that enables properties to measure utility performance over time. Forty-four billion square feet of commercial space including school, office and apartments buildings – roughly half the commercial real estate market in the United States – use Portfolio Manager to measure and track how much energy and water is consumed by building occupants. This tool has become the trusted standard for building owners to identify opportunities for more efficient operation and achieve utility cost savings. Moreover, without Portfolio Manager, the real estate industry would

be left without its key compliance tool to meet the increasing number of state and local regulations that require buildings to measure and report their energy use in a transparent manner.

Kilmer Q3: Is Administrator Pruitt aware of the important role that the buildings branch of ENERGY STAR and the Portfolio Manager tool play in supporting the private real estate industry?

Answer: **Ex. 5 - Deliberative Process**

Kilmer Q4: Without funding, how does EPA plan to continue supporting Portfolio Manager?

Answer: **Ex. 5 - Deliberative Process**

Puget Sound - OW

Puget Sound, Washington, is among the most important estuary ecosystems in the United States, providing critical human and ecological values. The ecosystem supports more than 4.7 million people, including 19 federally recognized tribal governments; 211 fish species; 100 sea bird species; and 13 marine mammal species, including endemic orca whales. It also annually handles over \$77 billion in imports and exports, \$10 billion in outdoor recreation, and \$2 billion in agriculture revenue. Decades of human activity and development have degraded the ecological function of Puget Sound, and EPA has numerous statutory obligations to support Puget Sound recovery efforts.

Kilmer Q5: Please provide a list of all federal laws that mandate EPA's role in Puget Sound recovery efforts.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Kilmer Q6: Please provide a summary of the total amount spent by EPA towards meeting its statutory obligations with respect to Puget Sound recovery over the past 5 years broken out by individual programs including State and Tribal Assistance Grants.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q7: Please provide a list and brief description of all the current actions carried out by EPA (including those supported through grants/cooperative agreements with the state and tribes) that would be terminated if the Puget Sound Geographic program is eliminated.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Tribal Programs - OITA

EPA's Region 10 office serves 271 federally recognized tribes in Alaska, Idaho, Oregon, and Washington. EPA is responsible for upholding federal trust responsibility to protect treaty rights that fall within its jurisdiction.

Kilmer Q8: Is the Administrator committed to upholding EPA's trust responsibility to all federally recognized tribes?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

[PAGE * MERGEFORMAT]

Ex. 5 - Deliberative Process

Kilmer Q9: What legal consequences would EPA face if it fails to meet these obligations as a result of inadequate funding?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. Kaptur:

CWA: Impaired water of Lake Erie - OW

Two years ago, Toledo's fresh water supply was shut down over an entire weekend due to toxic algal blooms from Lake Erie that crept into the water treatment facility. The algal bloom was a result of the overwhelming nutrient pollution running into the Lake. The amount of money required to fix this tri-state/binational environmental threat is enormous, and the responsibility for purifying the water should not simply rest with the City of Toledo, a community of 250,000 inside a watershed of over 2 million people and 10 million livestock. Further, Michigan has declared Lake Erie impaired; Ohio has not.

Kaptur Q1: During our hearing, you stated that Ohio had not assessed the waters of Lake Erie. However, under Section 305(b) of the Clean Water Act, states are required to assess all waters. Do you not agree that Ohio is required to assess those waters? Based on what authority did you defer to the state of Ohio's decision not to assess those waters? How can you approve an incomplete assessment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q2: By default, by accepting Ohio's non-assessment, USEPA is declaring the open waters of Lake Erie not impaired. How can waters which are clearly comingled across state lines be considered clean on one side and impaired on the other?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q3: Can you please answer my question from the hearing: is not a tri-state watershed draining into a binational body of water with disputes over the water quality status precisely where EPA is statutorily mandated to take action?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q4: In their letter to USEPA on September 30, 2016, Ohio EPA indicated that USEPA should lead efforts to assess the nutrients and algae problems, as well as to develop a coordinated response, in Lake Erie. Do you disagree with their interpretation?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q5: Are you committed to upholding the 40% reduction of nutrient loading as agreed to in the Great Lakes Water Quality Agreement Annex 4, and supported by the Great Lakes Governors and Canada?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q6: What is EPA doing to assist the states in developing criteria to address harmful algal blooms and nutrient pollution? How much funding is provided for this work in FY 2017? How much is proposed in the FY 2018 budget request?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Funding for Water Infrastructure - OW

USDA's budget proposes to eliminate the entire \$500 million Rural Water and Wastewater loan program with the expectation that rural communities will compete for the limited Drinking Water SRF funds. The Drinking Water SRF does not increase by the \$500 million lost in the Rural Water and Wastewater loan program.

Kaptur Q7: How will rural water systems struggling to provide clean water to their neighbors find funding for clean water if the Drinking Water SRF is already woefully underfunded and now has to absorb a \$500 million program for rural communities?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q8: How will these small communities compete with the medium and large systems that will also be applying for SRF funds?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Funding to States (OA/OP)

Ohio EPA Director Craig Butler said that these cuts in your budget would result in a 30% cut to their budget, forcing major cuts to the state Superfund program and to Clean Water and Clean Air initiatives. If Ohio is not provided with adequate funding to implement those programs there will be significant problems. The Agency will not be able to process permit applications, conduct inspections/reviews, and will likely reduce staff.

[PAGE * MERGEFORMAT]

Kaptur Q9: How do you imagine that reality lines up with your priority of growing the economy and protecting the environment?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Budget Cuts (*OA/OP*)

Kaptur Q10: If the agency staff and funding levels are substantially cut, as the administration has proposed, and if the agency pursues all of the reconsideration and similar actions it has already announced, can you assure us that the agency will not miss any mandatory statutory deadlines for action?

Answer: **Ex. 5 - Deliberative Process**

Enforcement - *OECA*

Kaptur Q11: You talk about returning EPA to basics, but compliance levels with environmental laws in some sectors is dangerously low. How will you increase compliance with laws that protect our health, when your enforcement staff does not have any money to conduct casework?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Environmental Justice (*OECA/OP*)

Kaptur Q12: The Administration's proposed budget would do away with the office of Environmental Justice altogether. Do you believe that environmental costs and degradation has fallen disproportionately heavily on people of color, individuals in low-income neighborhoods,

and those who have the least voice in the process? Does your plan to eradicate the office that is specifically tasked with addressing this issue indicate that you do not take it seriously? How do you propose to address environmental racism and environmental justice while your agency cuts staff, enforcement, and the entire office tasked with tackling these problems?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Budget for Science and Research - ORD

The President's proposed budget request for FY2018 lays out a reduction in staffing at EPA by almost 25% over the FY2017 Annualized Continuing Resolution Full-Time Equivalent (FTE) levels. This proposed staffing cut hits the Science and Technology Appropriation, which houses EPA's Office of Research and Development, by 32.5%.

Kaptur Q13: Can you justify the budget reduction of the only Appropriation within the Agency that is responsible for providing robust scientific evidence to guide EPA in developing its regulatory decisions?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q14: With states relying on the scientific and technical expertise that EPA retains in-house to assist them in meeting their statutory requirements for environmental protection, how will the Agency be able to continue to meet the expectations of their state partners with such a substantial reduction in staff?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q15: How can you justify such a dramatic cut that would seriously jeopardize the Agency's ability to use the best available science to protect human health and the environment?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

Ex. 5 - Deliberative Process

Kaptur Q16: How do you reassure the American people that the quality of their air and water will not be compromised by the very same billion dollar industries you have spent decades representing, who now have a bigger seat at the table, and a greater ability to influence Agency decisions to improve their bottom line at the expense of the taxpayers health and well-being?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. Lowey:

Climate Change

According to EPA's own information on Climate Change Indicators, between 1901-2015:

- Average surface temperature across the contiguous 48 states have risen more quickly since the late 1970s;
- Eight of the top 10 warmest years on record have occurred since 1998, with 2012 and 2015 being the two warmest years on record;
- 2006-2015 was the warmest decade on record; and
- Since the late 1970s the United States has warmed faster than the global rate.
- In addition, temperature is only one indicator of climate change, we could look at other indicators such as precipitation or extreme weather events.

Judging from your history as a climate change skeptic, I suspect you have little respect for these figures. But let's be outright with it.

(OAR)

Lowey Q1: Yes or no - is human activity a contributor to climate change?

Answer: **Ex. 5 - Deliberative Process**

Lowey Q2: With the drastic reductions in your FY 2018 budget request, how will EPA continue to study and address the impacts of climate change?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Addressing the impacts of climate change/Paris Accord (OAR)

I am deeply concerned by the Administration's decision to withdraw from the Paris Agreement. Coupled with the budget's elimination of any funding to combat climate change, the Administration is ignoring changes in our environment that threaten food security, biodiversity, business interests, and even our coastal cities like New York. It is irresponsible to think we are putting America first by ignoring these global threats. Nicaragua and Syria are the only other nations not participating, though I should note that even Nicaragua declined to participate because they felt the agreement did not go far enough. International backlash to the U.S. pulling out has been unprecedented and appears to have undermined U.S. global leadership. You recently made the statement that you had not spoken with President Trump about whether he believes that climate change is real and whether humans impact it. You further stated that the focus of your discussions with the President has been on the merits and demerits of the Paris Agreement. Because the Paris Agreement's central aim is to strengthen the global response to the threat of climate change, it baffles me that you two would not have discussed climate change.

Lowey Q3: To date, have you still not asked the President what his beliefs are regarding climate change?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q4: You were in Italy this week for the G7 Meeting on the Environment. What has been the response from our international partners about President Trump's decision to withdraw from the Paris Agreement?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q5 (Q4a): Who will fill the void of U.S. leadership on climate issues?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

American Energy Jobs (OAR)

Pulling out of the Paris Agreement prioritizes jobs in the fossil fuel industry over renewable energy jobs. There are more than 678,000 jobs in renewable energy, more than the 515,000 jobs in oil/petroleum.

Lowey Q5: All jobs matter, so why are you arguing that protecting renewable energy jobs is bad for America?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q6: While we are discussing energy jobs, would you like to clarify the statement you made on Meet the Press on June 4 that since the fourth quarter of last year, 50,000 jobs in the

coal sector have been added, and almost 7,000 in the month of May alone? Do you still believe those numbers to be accurate?

Answer:

Ex. 5 - Deliberative Process

Lowey Q7: It's important to get the facts right. According the U.S. Bureau of Labor Statistics, there were 51,000 total jobs as of May in coal mining, and 400 coal mining jobs were added in May.

Answer:

Ex. 5 - Deliberative Process

National Institute of Environmental Health Sciences (OAR)

The National Institute of Environmental Health Sciences discusses how as global temperatures rise and extreme heat events increase in frequency due to climate change, we can expect to see more heat-related illnesses and mortality. Socioeconomic factors, such as economically disadvantaged individuals are at greater risk from heat-related burdens.

Lowey Q8: This Administration states it is concerned about the “forgotten men and women,” but how does pulling out of the Paris agreement not forget about the men, women and children that will now suffer more heat-related illnesses because we have abandoned efforts to reduce greenhouse gas emissions, while at the same time working to pull back regulations on carbon emissions?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Superfund – Hudson River PCBs - OLEM

I understand you are a strong supporter of the Superfund program and have made commitments to support clean-ups. Yet, your budget proposes to cut the Superfund program by 30%, diminishing EPA's ability to compel responsible parties to pay for site cleanups, which leaves taxpayers on the hook. You also cut EPA's direct funding for clean-up.

Lowey Q9: As a result, doesn't this mean hazardous sites won't get cleaned up? Does that include the eight in Oklahoma?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q10: Can you specify which Superfund site cleanups will not be completed, and which will slow down from their currently planned time tables as a result of these proposed cuts?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q11: Can you specify which potential Superfund sites will not be thoroughly investigated as a result of these cuts?

Answer:

Ex. 5 - Deliberative Process

Lowey Q12: Can you estimate how much money from potentially responsible parties will be lost to the federal government from your reductions to this program?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q13: How do you respond to those who feel this is not sufficient and that cleanup should be expanded?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q14: How can you in good conscience propose not providing families in New York with clean water and accomplishing the task of cleaning up the PCBs in the Hudson River?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

² The report is available at www.epa.gov/hudson.

Ex. 5 - Deliberative Process

Long Island Sound - OW

The FY 2018 budget proposes to eliminate the Geographic programs. This includes \$8 million for Long Island Sound. These programs directly benefit the vast majority of our country's residents and businesses, and are focused on cleaning up pollution and promoting healthy ecosystems which benefit the economy.

Lowey Q15: Why do you feel it is prudent to eliminate funding when you are making progress in cleaning up these ecosystems?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

Lowey Q16: Can you guarantee that stakeholders are ready to step in to fill the void left by the elimination of federal funding?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

Lowey Q17: What discussions have you had with Governors, cities, and communities that have been active partners and will be affected by this proposed approach?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 3/20/2018 7:15:13 PM
To: Jahan Wilcox (wilcox.jahan@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: FW: **Deliberative Process / Ex. 5**

From: Jackson, Ryan
Sent: Tuesday, March 20, 2018 3:00 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: **Deliberative Process / Ex. 5**

Ex. 5 - Deliberative Process

From: Lyons, Troy
Sent: Tuesday, March 20, 2018 1:29 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: Re: **Deliberative Process / Ex. 5**

Ex. 5 - Deliberative Process

By Emily Holden

03/20/2018 11:57 AM EDT

The cost for the security team to accompany EPA Administrator Scott Pruitt on a trip to Italy for international meetings in June totaled nearly \$31,000, bringing the price tag for Pruitt's trip to at least \$120,000, according to public records released to the Environmental Integrity Project under a lawsuit.

The additional expenditures include airline fare, lodging and accommodations for Pruitt's security guards, EIP said. EPA would not disclose whether any security staff flew first or business class alongside Pruitt, the group said.

Information obtained by EIP last month showed the four-day trip by Pruitt and his staffers cost about \$53,000 in expenses. Pruitt also spent \$36,000 on a military flight to New York to catch a plane to Rome for meetings ahead of the G-7 Environment Ministerial in Bologna, after attending an infrastructure event with the president in Cincinnati.

Pruitt appeared briefly at the G-7 talks before returning to Washington for a Cabinet meeting.

To view online:

<https://www.politicopro.com/energy/whiteboard/2018/03/security-for-pruitts-italy-trip-cost-31k-844666>

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Sent from my iPhone

On Mar 20, 2018, at 11:42 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 19, 2018, at 7:12 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ex. 5 - Deliberative Process

-----Original Message-----

From: Lyons, Troy

Sent: Monday, March 19, 2018 7:11 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>;

Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>

Subject: Re: **Deliberative Process / Ex. 5**

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 19, 2018, at 7:02 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ok.

-----Original Message-----

From: Lyons, Troy

Sent: Monday, March 19, 2018 7:02 PM

To: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan
<jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel,
Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>

Subject: **Deliberative Process / Ex. 5**

Ex. 5 - Deliberative Process

Sent from my iPhone

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert (OA/OP with OAR & OW)

Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan, and Methane

I was pleased to see two early actions from the President to issue:

- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” rule*, and
- Executive Order 13783 on *Promoting Energy Independence and Economic Growth*.

I have a number of concerns with the WOTUS rule’s flawed history -- it was originally proposed before the scientific studies were complete, the Small Business Association believed EPA should have conducted a Small Business Advocacy Review Panel prior to releasing the rule, and in December 2016 the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote rule.

In my opinion, the only clarity that the WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications. It was a clear example of Federal overreach.

The FY17 Omnibus included language asking EPA (and the Department of the Interior) to keep the Committee apprised of actions to comply with the Executive Order to promote energy independence and economic growth. For EPA, there were a number of specific directives within the Executive Order related to the Clean Power Plan, the methane rule, and other regulations.

Calvert Q1: Please provide an update on what steps the Agency is taking to comply with these Executive orders.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Calvert Q2: Where is the agency in the process with respect to each of those rules?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Calvert Q3: Does EPA have similar estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Calvert Q4: What, if anything, is required to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Simpson:

TMDL - OW

I am pleased that you mentioned TMDL's in your opening statement and a commitment from EPA to work with states and localities. I have met with Mayor's and city council members, and there is real fear in regards to the financial stress around and how these communities can meet and/or pay for costly upgrades to facilities. For example, Twin Falls recently invested \$38 million to upgrade their water treatment facility. However, the last Administration proposed lowering their TMDL for phosphorous by 98.5%. This would result in the city needing to upgrade their facilities again. The cost is estimated to be between \$60 and \$100 million.

Now, this is just the start of this issue. I met with Mayor's in the smaller towns near Twin Falls - Buhl, Jerome, Anmon, and Filer – and they surely can't afford these types of upgrades as these towns have smaller populations.

We did have success in Boise, Idaho, with a project called Dixie Drain that saved tens of millions of dollars by using a flexible innovative model to reduce phosphorous levels. This was a common sense approach that didn't hammer taxpayers with costly regulations. I hope this is a model we can use to help Twin Falls and other communities avoid massive rate increases.

Simpson Q1: Can we work together – along with Idaho Department of Environmental Quality - to review the TMDL process along the Mid-Snake and see what can be done to help these communities?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Simpson Q2: What are some of the approaches we can take to ensure these communities reach a solution that doesn't bankrupt ratepayers?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ecolabels - OCSPP

In the 2017 Consolidated Omnibus Appropriations Bill, we asked for the agency to provide a report on the Ecolabel program within 60 days of enactment, asking that as you develop the guidelines and evaluate ecolabels for federal purchasing in building construction that the process be fair, transparent, and consistent with other product requirements.

I'm most interested in the part of the process that looks at labels associated with forest management. I want to ensure that our federal government's procurement system includes recognition of forest products from the millions of acres of responsibly managed forests across the US. Unfortunately, as I understand it, the former administration's EPA issued 2015 procurement recommendations that excludes forest products from 83 million acres of private and state forestlands, as well as several hundred million acres of other private and public forestlands including the entire National Forest System, from participation in federal procurement efforts by discriminating against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS). And all this, despite the fact, that the only statutory authority any agency has is USDA, through its Bio-preferred Program authorized by Congress, which sets mandatory purchasing requirements for federal agencies and puts all certification programs on a level playing field. In December 2016, EPA said this recommendation was "under review". I remain concerned about further actions that EPA will take on its program.

[PAGE * MERGEFORMAT]

Simpson Q3: Can you provide us with a status update on the report called for in the Consolidated Omnibus Bill?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Simpson Q4: What steps can you take to ensure your agency's efforts on the Ecolabel program avoids creating conflicting federal procurement policies and doesn't exclude US grown and manufactured forest products?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Mr. Stewart:

Serious Non-attainment Areas *(OAR)*

Recently, much of Northern Utah was classified as a serious non-attainment area. As you know, once a region is designated as serious non-attainment it's almost impossible to shed that designation – even if air quality improves to meet minimum federal standards.

Stewart Q1: Under your leadership, will EPA demonstrate to the states how they can exit non-attainment and serious non-attainment?

Ex. 5 - Deliberative Process

Questions from Mr. Amodei:

State Obligation (Office of Budget)

Amodei Q1: If the cuts to state grant funding contained in EPA's FY18 budget proposal are adopted, does EPA also intend to proportionally adjust the required obligations on states to implement federal environmental programs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q2: If not, what is EPA's proposed solution for addressing this policy and funding the discrepancy? Does EPA expect state and local governments to make-up for the shortfall?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q3: How does EPA plan to recognize and ensure the continued success of Nevada's pre-existing state-based program?

Ex. 5 - Deliberative Process

Waters of the United States (OW)

Because states are primary implementers of federal rules, state input into rulemaking early in the process, well before a rule is formally proposed, is critical to an effective and efficient regulatory program. EPA's review of the Water of the United States rule is key example.

Amodei Q4: Does EPA plan to include state environmental agencies as co-regulators in the development of a new WOTUS definition to ensure effective implementation if a final rule is pursued?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q5: Can you tell me how EPA views this petition now that the comment period has closed, and if changing the obligated parties from big refiners to the mom-and-pop marketers is something EPA is considering?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q6: Under the same policy – RFS point of obligation – does EPA make a distinction between obligated parties and position holders?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amodei Q7: Given the President's budget proposal, can EPA effectively and economically manage a program that could potentially become more complicated by a factor of x 10?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Renewable Fuel Standard (RFS) Blend Wall - OAR

There is scientific evidence showing ethanol blends above 10 percent can harm vehicles and is incompatible with the existing retail gasoline infrastructure.

Amodei Q8: What is EPA doing to ensure that the annual RFS-mandated volumes protect the current U.S. vehicle fleet and existing retail infrastructure?

Ex. 5 - Deliberative Process

ENERGY STAR Program - OAR

Amodei Q9: Will you work with the committee on this matter and commit to moving the entire ENERGY STAR program home appliances to DOE immediately?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Refrigerator Refrigerant Charge Size

On December 20, 2011, EPA's Significant New Alternatives Policy (SNAP) program allowed the use of Isobutane in household refrigerators. The final rule included a use condition that limits the refrigerant charge to 57 grams or less for each sealed refrigeration system (i.e., compressor, condenser, evaporator, and refrigerant piping). The charge size is the amount of refrigerant that is allowed in each sealed refrigerant system within a refrigerator. The SNAP rule based the charge size amount on the Underwriters Laboratories safety standard for household refrigeration end-use, which limited the quantity of the refrigerant (i.e., "charge size") in a refrigerator or freezer to 57 grams. In EPA's final rule, the agency stated that they do not have sufficient information to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335-2-24. The final rule stated EPA understands that the limit in UL 250 may change in the future. If that occurs, and if the appropriate safety testing data is submitted to EPA supporting safe use of a larger charge, EPA stated it would consider modifying the use conditions.

Based on testing and lengthy analysis, on April 28, 2017, the maximum charge size allowance in the UL standard was changed and increased from 57 grams to 150 grams. During the approval process of this update, the Consumer Product Safety Commission (CPSC) staff stated that they do not oppose the proposal to increase the maximum flammable refrigerant charge size in household refrigerators to 150 grams from 57 grams. They stated that standards in Latin America, Europe, and other countries allow household refrigerators to use up to 150 grams of flammable refrigerant.

It is my understanding that EPA has sent the rule to OMB to update the SNAP use condition to increase the allowable charge size to match the most recent safety standard, which is 150 grams. I am appreciative of your quick action on this important matter; however, we need to make sure it gets out of OMB quickly. I wanted to be sure that you were aware of the importance of this matter to expedite this technical change. Appliance manufacturers need certainty in this area to start planning and designing their products to meet EPA required date of 2021 when HFCs are banned for use in refrigerators.

OAR

Amodei Q10: Can you please continue to make sure this is a high priority action for OMB to complete?

Answer:	Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process	

Questions from Mr. Jenkins:

National Ambient Air Quality Standards (OAR)

Recently, EPA announced it would be extending the timeline for the 2015 ozone standards. In making that decision, EPA cited several issues in need of further review.

Thank you for this action and your consideration of these issues.

All counties in West Virginia now meet the 2015 standards, and we are proud of that progress. Despite this fact, potential EPA actions threaten affordable, reliable energy in West Virginia.

It is my understanding that the decision does not change several other implementation steps and actions that states must still undertake.

Petitions from other states would require West Virginia electricity generators to address nonattainment areas in those states or join the Ozone Transport Commission, despite the fact EPA does not require those areas to address their contributions first.

States like West Virginia, while meeting the standard, would still submit a state plan to address its "Good Neighbor" obligations by October 2018.

Jenkins Q1: What actions will EPA be taking to address state concerns regarding these interstate modeling results?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jenkins Q2: Do you agree that States, through the State Implementation Plan process, should be able to address interstate pollution?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OAR

Jenkins Q3: How much of that funding is to assist counties with achieving 2015 standards?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jenkins Q4: How much is being proposed to assist with State Implementation Plans and other administrative efforts?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. McCollum:

Implementation of FY 2017 Enacted Budget - OARM

It has come to the Committees attention that EPA notified unions representing Agency employees that EPA is halting funding for fitness subsidies during FY 2017.

The FY 2017 budget request did not propose such a reduction. Rather, the FY 2018 budget proposes to cut “support for employee wellness and worklife initiatives, such as federal cost sharing for fitness centers, health wellness and CPR/AED training services and libraries.”

It is wholly inappropriate for EPA to execute new FY 2018 budget proposals before Congress has had the opportunity to act on them.

Congress provided funding for these programs in the FY 2017 enacted bill. Bill language states that rescissions to the Science and Technology and Environmental Programs and Management account were to be applied to program project areas to, “to reflect changes to funding projections due to routine attrition during fiscal year 2017.” Therefore, it was not the intent of Congress to terminate funding for employee wellness and worklife initiatives.

McCollum Q1: The Reprogramming Guidelines for programs and activities funded in our bill specify that agencies should notify Congress of any significant departure from what has been described in the agency’s budget justification. The FY 2017 enacted anticipated fitness subsidies would be provided as part of the employees’ wellness package. If your intent is to do otherwise, why wasn’t Congress notified?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q2: The leading causes of death and disability in the United States are not only preventable but also responsive to workplace interventions. Worksite health and wellness programs help employees move toward an optimal state of wellness, and the U.S. Office of Personnel Management, in accordance with the authorization under 5 U.S.C. 7901, encourages agencies to develop and sustain programs that address the current and future needs of their employees to produce the healthiest possible workforce. What is the justification for eliminating the funding for fitness subsidies halfway through the fiscal year?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q3: How does halting the funding for fitness subsidies impact the collective bargaining agreement reached with unions representing EPA employees? What response have you received from the unions from your notification?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q4: How will EPA spend the funds that would have otherwise been used for fitness subsidies?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q5: What other reductions proposed in the FY 2018 budget request is EPA implementing in FY 2017?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Administrator Pruitt's Undisclosed Email Accounts (OA)

When I referred to a recently discovered official email address – esp@oag.ok.gov – that Administrator Pruitt used while Attorney General of Oklahoma but did not disclose despite repeated requests during his confirmation process, he volunteered this explanation “If I may, both in my oral testimony, as well as there’s a letter actually that I submitted to the EPW Committee in May that recognized multiple state email accounts... so we’ve informed Committee, that was consistent with my oral testimony.”

McCollum Q6: Please provide the relevant excerpt(s) from Administrator Pruitt’s oral testimony and the letter he referenced. Additionally, please provide the relevant questions for the record and his responses.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q7: Administrator Pruitt committed to provide our committee with the email addresses and information about other forms of electronic communication that he is using as EPA Administrator. Please provide those details.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Congressional Inquiries (*OA/OCIR*)

McCollum Q8: What is the policy at the Department with regard to responses to congressional inquiries?

Answer: Ex. 5 - Deliberative Process

McCollum Q9: More specifically, is there a policy or guidance that would prohibit or delay responses to Ranking Members of Congressional Committees or Subcommittees of jurisdiction?

Answer: Ex. 5 - Deliberative Process

McCollum Q10: Is there a policy or guidance that would prohibit or delay responses to Democratic Members of Congress?

Answer: Ex. 5 - Deliberative Process

McCollum Q11: If such policies or guidance are in place to prohibit or delay responses to Ranking Members or all Democratic Members, was such developed in consultation with the White House or the Office of Management and Budget?

Answer: Ex. 5 - Deliberative Process

Overview (Office of Budget)

The FY 2018 Budget request for the Environmental Protection Agency is \$5.66 billion, a reduction of \$2.4 billion or 30% below the FY 2017 enacted level as well as reduction of one quarter of the staff. These cuts address almost every program for clean air and water and threaten the health of children and the elderly.

McCollum Q12: Administrator Pruitt has stated he wants EPA to go back to the basics of protecting our air, water, and land, but the budget makes major cuts in air, water, waste, chemical safety, pesticides, enforcement, and research, not to mention the reductions you propose in

categorical grants to states. How can a budget like this not jeopardize the health and well-being of Americans as well as all who inhabit the Earth?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q13: Can Administrator Pruitt assure the Committee that he does not want to see this Nation's environmental progress rolled back?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q14: What analysis did EPA do to determine the impact of the proposed reductions on health and environmental protection?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q15: How many more deaths, heart attacks, hospitalizations and lost work days Americans will suffer as a result of these reductions?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q16: If no specific analysis was done on these metrics of these reductions, what basis does the Agency have for saying EPA and states can adequately protect public health and the environment?

The budget also proposes to cut categorical grants to states by either 30% or zero them out completely, and eliminate 46 programs. EPA and the states together have made major progress in improving public health and environmental quality over the years.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q17: On what basis did EPA decide what is and is not a core statutory responsibility, and how do the Agency reconcile such drastic cuts in core programs with Administrator Pruitt's previous statements about the mission of EPA?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q18: What type of analysis did EPA conduct on the 46 programs it proposes to eliminate?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q19: Please provide that analysis to the Committee, specifically the data on the impact to the health of families and communities across this country that will result from these eliminations.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q20: Please include information on the other agencies or programs will do this work in the absence of federal funding.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q21: If the Agency has not done any detailed analysis, on what basis does EPA justify its decision to eliminate these programs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA/OP)

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is acceptable and if so, on what basis and with what training?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

ORD

McCollum Q25: Can Administrator Pruitt assure the Committee that he will uphold scientific integrity policies at EPA, allow EPA scientists to do their work unimpeded and guarantee that Americans will have access to the research and information they have paid for?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q26: What assurance can EPA give the Committee that EPA Office of Research and Development and EPA's science labs will be fully supported to conduct critical independent science that is the basis for protecting the public?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q27: With EPA's current hiring freeze are key technical positions at the agency currently filled with qualified scientists free from conflict of interest?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q28: Since 1970, EPA and states, working in partnership, have achieved major improvements in human health and environmental protection, but threats such as contaminated runoff that pollutes our waters, endocrine disruptors, and new emerging threats need to be addressed. How can EPA possibly have the necessary resources and staff to protect human health, the environment, and our economy?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q29: EPA is obligated to uphold specific statutory responsibilities to protect human health and the environment, how can EPA assure this Committee that with the draconian cuts proposed in this budget that it can meet those mandates, especially with more than a third fewer scientists and a 30% reduction in funding?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q30: In 2007 the Supreme Court ruled in Massachusetts v. Environmental Protection Agency that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO2 based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD/OECA)

McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Administrator's Schedule and Travel Budget

(04)

McCollum Q34: Does EPA plan to regularly release the Administrator's schedule to the public?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OECA)

McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA)

McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Voluntary Programs (OAR)

McCollum Q39: The budget calls for eliminating all of the voluntary partnership programs for reducing greenhouse gases and other air pollution. These programs, which have bi-partisan and industry support, are proven to lower emissions. How will you make up for the emission benefits that are lost?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hydrofluorocarbons (OAR)

McCollum Q40: The budget states that the EPM account for the GHG Reporting Program is being cut to "streamline", among other things, the use and emissions of the greenhouse gases, hydrofluorocarbons, under the Clean Air Act SNAP program. What does EPA mean by "streamlining" the program? What would change about the very important work this program does?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. Global Change Research Program (ORD)

McCollum Q41: Also being "streamlined" as part of the budget cuts to the GHG Reporting Program is the technical support EPA provides to the U.S. Global Change Research Program. What do is meant by "streamlining" that support? Describe what support has EPA provided to date and how will that support change.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Water pollution -

OW

McCollum Q42: The budget proposes to eliminate state grants for non-point source pollution programs, when contaminated runoff and other non-point pollution is a principle cause of water quality problems. It also proposes to cut other state water grants, surface water and marine protection funding for EPA, and eliminate the national estuaries program. How is cutting EPA and state capacity consistent with improving the quality of our nation's waters?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OW

McCollum Q43: In April, Administrator Pruitt paused clean water protections against coal plants dumping toxic metals such as arsenic and mercury from power plants into public waterways that can infiltrate community drinking water intakes. How much of this coal ash sludge is safe in the drinking water supply?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q44: EPA's postponement is being challenged in a federal court and Administrator Pruitt has been criticized for only focusing on the potential costs of the rule while ignoring its benefits and endangering wildlife and exposing families that live near coal plants to heavy metals that can cause problems with cognitive development in children. Why did EPA disregard years of peer-reviewed studies, input from health experts and public comments supporting these protections?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q45: How is the Agency reconciling the difference in the impacts on jobs associated with compliance as estimated by EPA with the impact purported by the industry's analysis?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Office of Water - OW

McCollum Q46: The FY 2018 budget cuts clean drinking water programs by 18% for Human Health and 16% for Water Quality. Why should American's be subjected to decreases in Water Quality due to lack of investment?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Air Pollution - OAR

The Administration budget calls for steep cuts in two accounts that fund activities at the heart of Clean Air Act implementation. One account funds EPA's work to review and update national air quality standards and national emissions standards. The second account funds a multitude of EPA activities to support state and tribal air programs for meeting national air quality standards, reducing toxic air pollution, assuring that new sources have state-of-the-art controls, and protecting visibility.

McCollum Q47: How can the huge cuts in these two key air program accounts be achieved while meeting EPA's responsibilities under the Clean Air Act?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q48: Has EPA identified what specific activities would be eliminated or reduced by the proposed reductions? If so, please provide an accounting that explains for each of these budget categories (federal stationary source regulations, federal support for air quality management) the activities that will be cut back, and the savings in dollars and personnel from each one.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q49: How will the proposed budget reductions impact EPA's ability to meet its existing obligations under the Clean Air Act and take on the new work required to carry out the January 24 Presidential Memorandum, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs."?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Accessibility to Data and Data Acquisition -- QA/OPA

McCollum Q50: Is all the scientific data associated with climate change that was available under the Obama Administration on EPA website still accessible today?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q51: Since taking office, what guidelines has Administrator Pruitt issued for determining what information will be available?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

McCollum Q52: Will there be any data loss as a result of the budget's proposed program eliminations in FY 2018? If so, what date and how will this impact EPA's ability to have the continuity of data necessary to make projections into the future with a high degree of confidence?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by EPA to develop guidance, regulations, and make important management decisions.

(OA/SAB)

McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

(OA/ORD)

McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

(ORD)

McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated "'EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of

regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q61: The BOSC is an 18-member advisory committee. What is the current membership?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA) -

McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not

important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA/OAR)

McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget (\$646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA)

McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA/ORD)

McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify strategies to reduce redundancy and costs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(04)

McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Categorical Grants for States and Tribes (Office of Budget)

The budget proposes to cut the categorical grants to states and tribes by 44 percent. States rely heavily on these grants. According to a report from the Environmental Council of the States, federal funds account for, on average, 27 percent of state environmental budgets. Congress designed Federal environmental programs so that they would be administered at the states and local levels where possible. But EPA has a responsibility to provide national environmental leadership by establishing minimum national pollution standards and providing technical support to states.

McCollum Q75: How will these proposed cuts affect the states' abilities to implement environmental programs? Will it have consequences for their staffing levels?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q76: How will this affect EPA's ability to conduct appropriate oversight and provide technical assistance to ensure that states have good environmental management practices?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q77: How is this consistent with improving the quality of our nation's waters or protecting the air we breathe?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q78: How does EPA recommend that states make up for this funding shortfall?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Staffing and Employee Morale

The March 2017 Executive Order directs the reorganization of the Executive Branch.

Office of Budget with OARM

McCollum Q79: In light of the 30% reduction in EPA's FY 2018 Budget request and the proposal to reduce approximately 3,800 FTEs from the FY 2017 enacted level, how is EPA approaching developing such a plan and how will the Agency be transparent and keep employees informed?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q80: EPA's proposed workforce, the smallest since 1984, is still task with administering 7 major congressionally mandated programs including new workload such as the Toxic Substances Control Act. How will a reduction of this many staff not affect productivity?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q81: In FY 2017, Congress provided funding to maintain staff capacity to conduct work necessary to meet EPA's mandated responsibilities. The FY 2018 budget reduces funding for those very programs. Can EPA assure Congress that none of the actions it is taking in FY 2017 violate the Impoundment Act?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q82: The budget proposes to cut support for employee wellness and worklife initiatives, such as federal cost share for fitness centers, health wellness, and CPR/ AED training services and libraries.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Staff Reductions

EPA has carved out \$12 million in staff buyouts for the current fiscal year.

McCollum Q83: Will a Reduction in Force be necessary to reach EPA's proposed staffing level? If so, for how many positions and will EPA apply the Reduction in Force equally across both headquarters and regional offices? If not, what formula will the Agency use to do this?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q84: When a person loses their job thru a RIF they are entitled to severance pay, which can, depending on age and service time, easily be a full year's salary. How has the Agency calculated that cost?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q85: The FY 2018 budget proposes a new program project titled Workforce Reshaping which includes \$11 million in Science and Technology and \$47 million in Environmental Program and Management to support organization restructuring.

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q86: How does EPA propose to spend this money?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q87: What programs did you cut in FY 2018 budget to find the resources for this new program project?

Answer: **Ex. 5 - Deliberative Process**

McCollum Q88: If Congress agrees with the Administration's proposal for these significant staff reductions, how will EPA prioritize cuts in personnel so that the Agency can still fulfill its important charge to safeguard human health?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q89: Will EPA consider the risks to human health and the environment from staff reductions in particular program areas?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q90: How will EPA maintain the scientific and technical expertise needed to do this essential human health work when so many seasoned professionals opt to retire early?

Answer: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

McCollum Q91: How will EPA enforce our environmental laws if EPA regional offices, who have primary responsibility for enforcement, are closed?

Answer: **Ex. 5 - Deliberative Process**

Regulation Review

(OA/OP)

Executive Order 13783 on Promoting Energy Independence and Economic Growth requires a review of all regulations.

McCollum Q92: How is EPA going about conducting this review and what scientific evidence and economic assumptions or models is the Agency relying on for the basis of its decisions?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q93: Environmental regulations already undergo a rigorous analysis of costs and benefits as they move through the regulatory process. In its annual accounting to Congress last year, OMB found that benefits of major rules EPA officially adopted from 2005-2015 exceed their costs by up to 13 times (OMB 2016). A 2011 peer-reviewed EPA assessment of the long term benefits and costs of the Clean Air Act and its implementing regulations found that its middle estimate of annual benefits exceeds costs by 30 to one--that's \$2 trillion in net benefits vs. \$65 billion in costs. Which specific EPA regulations does EPA believe are overly stringent and in need of scaling back?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q94: Administrator Pruitt has expressed concern about the compliance costs of particular industries, please provide an estimate of the change in net benefits to the American public from rolling any regulations back.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q95: Has the Agency considered the additional cost to industry of facing a patchwork quilt of different state requirements instead of one federal standard?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q96: What steps has EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q97: How is EPA choosing which two regulations to repeal for every new regulation promulgated?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

(OGC)

McCollum Q98: In EPA's regulation review has the Agency consistently adhered to the requirements of the Administrative Procedures Act, specifically the notice-and-comment period that gives the public time to respond to any proposed changes by the government?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OCSPP)

McCollum Q99: How does EPA justify delaying the effective date for the companion rule for Pesticide Applicator Protection for an additional year to May 22, 2018?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OCSPP)

McCollum Q100: Is EPA proposing any changes to its plans for assessing the risk of pesticides for endangered species?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q101: Does the FY 2018 budget provide the staff and resources needed to adequately assess the risk of pesticides for these species?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q102: EPA extended the effective date for emissions standards, record keeping, and labeling provisions for formaldehyde emissions until March 22, 2018. How is this not creating an unfair advantage for foreign imports over North American manufacturing of composite wood products?

¹ For more information about implementing recommendations found in the NAS report: [HYPERLINK "https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and"]

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA/OP)

McCollum Q103: How does EPA plan to defend the many inevitable lawsuits it will face from rolling back environmental regulations? Is this really the most effective way for EPA to fulfill its mission?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q104: Executive Order 13777 required the head of each agency to designate a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies to ensure agencies effectively carry out regulatory reforms, consistent with applicable law.

Answer: Ex. 5 - Deliberative Process

[PAGE * MERGEFORMAT]

McCollum Q105: Who have you appointed as the Regulatory Reform Officer for EPA and what are their credentials?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Chesapeake Bay - *OW*

Chesapeake Bay is the nation's largest estuary in which 18 million people live and work; there are 3,600 types of fish, wildlife and plant life that underpin the economic value of the ecosystem; and where in a voluntary partnership with other federal, State, local, and NGOs, academic institutions, private businesses and individual citizens, 10 Goals for restoring the ecosystem have been set to be met by 2025.

McCollum Q106: Just when the Chesapeake Bay is beginning to show improvement the FY 2018 budget cuts the funding across for all Geographic Programs, including the \$73 million for the Chesapeake Bay. Who will step into the role EPA has played of coordinating all the partners in this exemplary effort?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q107: Efforts to restore the Chesapeake Bay are seen as a national and international model for sustainable use of coastal regions. What message are we sending about our leadership and commitment when we reduce funding to such an exemplary project from which recovery lessons can be duplicated in coastal regions worldwide?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Environmental Justice – *OECA and OA*

The budget eliminates all resources for the Environmental Justice program. The budget claims that EPA will incorporate EJ work within the Integrated Environmental Strategy program within the Office of the Administrator; however, no there is no associated funding requested. The budget also eliminates the lead program, which works to reduce disparities in blood lead levels between low income children and non-low income children.

McCollum Q108: What Environmental Justice work will be discontinued as a result of the elimination?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q109: How much funding in the FY 2018 budget is dedicated for Environmental Justice work in the Integrated Environmental Strategy program?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q110: How many staff will be reassigned or terminated due to the elimination?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q111: How will EPA identify and track low income and minority communities that are disproportionately burdened by pollution?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q112: The recent tragedy in Flint, Michigan, in which low income minority children were poisoned by lead in their drinking water, reminded the country of the danger of lead poisoning. How will EPA ensure that all children are protected, even in states that do not have their own lead program?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Enforcement - Office of Budget

McCollum Q113: Thanks to the work of this office, settlements were negotiated from EPA actions with Volkswagen AG and BP PLC spill that have resulted in funds going to states and communities. Given the proven success of this office, why does the FY 2018 budget propose to cut Enforcement by 23%?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q114: The budget justification states that EPA will focus the civil enforcement program's resources on "programs that are not delegable [to states] or where a state has not sought or obtained the authority to implement a particular program." Does this mean that EPA will no longer take any enforcement actions against polluters violating federal environmental rules that a state has authority to enforce? Under EPA's approach, what would happen if a state - due to lack of resources or political pressure -- fails to enforce a federal environmental rule against a violating polluter?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA

McCollum Q115: What will be the impact of the proposed cuts to enforcement on the number of state and federal facility inspections, the amount of compliance assistance, and the number of enforcement actions that states and EPA have the capacity to pursue?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Energy Star and Water Sense – OAR and OW

Through EPA's Energy Star and Water Sense programs, Consumers can save money by reducing their energy and water use while helping to protect the environment. These programs have motivated private sector investments, and moved the goal post on efficient technologies in the market place.

McCollum Q116: With a history of bipartisan support and immense value-added for businesses and consumers alike, what is EPA's rationale for throwing out 25 years of investment in these programs in the coming fiscal year? Isn't it a good thing when Americans can lower their energy bills and drinking water costs, reduce pollution, and help implement EPA's statutory mandates for clean air and water, all at the same time?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q117: Does Administrator Pruitt believe these programs represent an appropriate role for a federal agency? If not, how does he envision that the private sector will continue to develop product guidelines in partnership with a patchwork of state and local governments and competing businesses?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q118: What private organization might take on the breadth and complexity of these programs, is unbiased, can hire and gear up quickly to set up the networks and infrastructure necessary to manage these programs? If none currently exist, isn't it premature to cut the budget of respected and valued programs with great consumer and environmental results?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toxics and peer review (OCSP/ORD)

Many state and local governments rely heavily on US EPA's office of research and development's assessments of hazardous chemicals like the Integrated Science Assessments under the Clean Air Act or the IRIS program for toxics to set their clean up levels for hazardous pollutants like known neurotoxins such as lead and carcinogens such as benzene. The current president's budget targets these scientific functions for large cuts.

McCollum Q119: How will EPA increase its support to state and local agencies to perform those scientific assessments on a case-by-case basis?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q120: How will EPA ensure that adequate health protection that follows the health evidence results for all Americans including vulnerable populations like pregnant women, infants, children, and seniors to protect them from these known and emerging hazards?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hazardous Substance: Superfund Account

OAR

McCollum Q121: The budget eliminates funding for Radiation: Protection and states that EPA will explore alternatives to manage potential radiation risks at Superfund and hazardous waste sites to meet requirements and will explore alternatives to meet its statutory obligation, as mandated by Congress, to implement regulatory oversight responsibilities for Department of Energy activities at the Waste Isolation Pilot Plant facility. Where is this work funded in FY 2018? If there is no funding proposed in the budget, how will EPA meet its regulatory responsibilities?

Answer: Ex. 5 - Deliberative Process

McCollum Q122: What is the impact of this work not being done in FY 2018? What are the risks to human health if this work is not done?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OCFO

McCollum Q124: The budget states that the timeline for modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) is extended as a result of the budget cut. What is the revised date of completion as a result of the funding cut? How long is the delay? What is the total cost of this project and how much has been funded to date?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA

McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q126: The budget states that there are 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects, yet this program is eliminated. How will EPA ensure that appropriate oversight is conducted at these sites? Will the funding elimination affect the timeline of the cleanups and, if so, by how long?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

OLEM

McCollum Q127: How much funding does the budget cut for support for the headquarters and regional Emergency Operations Centers? What is the specific impact of these cuts? Will the EOCs be staffed by fewer employees? Will the Agency's operational readiness be affected by the resulting impacts to the EOCs and, if so, how?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q128: The budget states that the proposed reduction to the Homeland Security: Preparedness, Response, and Recovery program project will cause the Agency to have to reevaluate the need to use PHILIS and ASPECT for emergency response activities. ASPECT is the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform and it is available to assist local, national, and international agencies supporting hazardous substance response radiological incidents, and situational

awareness in the US. PHILIS is EPA's mobile laboratory asset for the on-site analysis of chemical warfare agent and toxic industrial compound contaminated environmental samples Is EPA considering discontinuing ASPECT and PHILIS? Does the budget request impact operation of ASPECT and PHILIS? If discontinued, how would EPA fill this gap, what platform would conduct this work? How would states and local governments obtain these services?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q129: How will this affect workplace morale? Is discontinuing these services consistent with the rest of the federal government?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q130: The budget cuts \$34 million from the Superfund: Emergency Response and Removal program project. How will this cut affect EPA's ability to respond to emergency response actions, removal assessments, and time critical response actions? What won't get done as a result of this reduction?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q131: The budget proposes to cut \$167 million or 33% from the Superfund: Remedial program and as a result will have to prioritize resources on NPL sites that present the highest risk to human health. How many NPL sites will not receive funding as a result of the cut? How many new sites will not be listed or have the cleanup process initiated as a result of the cuts?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Leaking Underground Storage Tanks - OLEM

McCollum Q132: The budget request cuts \$16 million from LUST Cooperative Agreements, which support states in managing, overseeing, and enforcing cleanups at LUST sites. The budget request also eliminates fund for LUST Prevention. What will be the resulting cut to each state? How many fewer LUST cleanups will occur due to the cuts? How much of a states' budget for LUST cleanups does this funding represent? How many fewer inspections will occur?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Pollution Prevention - OCSPP

The budget proposes to eliminate work in several EPA offices authorized under the Pollution Prevention Act, which was enacted in 1990 to focus industry, government and public attention on reducing the amount of pollution through cost effective changes. It also eliminates EPA's pollution prevention work under the Clean Air Act, Section 7401(c), of which the "primary goal is to encourage or otherwise promote ... actions...for pollution prevention."

McCollum Q133: The budget justifies significant reductions and program eliminations as the Agency refocusing on core work. Under Administrator Pruitt's leadership, does EPA consider pollution prevention part of EPA's core statutory work?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marine Pollution - OW

The budget proposes to eliminate the Marine Pollution Program. EPA is responsible for managing, along with the Army Corps, ocean disposal of sediments dredged from our ports, harbors and shipping channels to maintain the safe passage of military, commercial, and recreational vessels. EPA helps to ensure that radioactive waste, toxic chemicals, and sewage sludge that directly affect human health are not dumped into our coastal and ocean waters.

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McCollum Q134: What is the impact of this proposed elimination on the health of the marine ecosystem? By how much will the percent decline of active dredged material ocean dumping sites achieving environmentally acceptable conditions?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q135: How will the proposed cuts affect data collection and maintenance?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q136: State and local governments will be directly impacted by degradation of their coastal resources, however, these entities do not have authority over ocean dumping in marine waters. If the marine program is eliminated as requested, how will EPA prevent, monitor, and control pollution in those waters?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Drinking Water - OW

Just last year we had a public health disaster in Flint, Michigan, where local residents were exposed to dangerously high levels of lead in their drinking water. Yet, the budget proposes to cut the drinking water program funding by 17 percent and the Public Water System Supervision Categorical Grant program by 30 percent.

McCollum Q137: How will these proposed reductions impact the States' abilities to provide technical assistance to owners of public water systems?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q138: How will the proposed cuts affect data collection and maintenance?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q139: What will be the impact of the reductions on laboratory certification and sample analysis?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

[PAGE * MERGEFORMAT]

Ex. 5 - Deliberative Process

McCollum Q140: How will the proposed cut impact EPA's training and technical assistance to States, tribes, and public water systems for compliance with Safe Drinking Water Act regulations?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q141: According to the budget request, in FY 2016, nearly ten percent of the population served by Community Water Systems received drinking water that did not meet all applicable health-based drinking water standards. How will these proposed cuts affect EPA's ability to address on-going compliance challenges? What activities will be reduced?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Research and Development - ORD

EPA laboratories are resources for EPA as well as states, tribes, municipalities, and other federal agencies.

McCollum Q142: At the proposed funding levels in the FY 2018 budget request, how will EPA retain the expertise of the scientists at these laboratories? Does the Agency intend to close any of the labs?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

National Vehicle and Fuels Emission Laboratory (OAR)

The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is an integral part of EPA Office of Transportation and Air Quality. Through this program EPA develops, implements, and ensures compliance with national emission standards to reduce mobile source related pollution and ensure air quality benefits and fair competition in the marketplace.

McCollum Q143: The budget request notes that there is an increased demand for the outcomes from this program, but proposes reducing the program by \$17 million. Has EPA analyzed the resultant economic impact on manufacturers or the health and economic impact on consumers' from this proposed reduction of work?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OAR

McCollum Q144: The Lab's work also protects industry by ensuring all automakers play by the same rules and to hold companies accountable that gain an unfair and illegal competitive advantage. Engineers at this Lab were instrumental in uncovering evidence on Clean Air Act violations that led to Volkswagen paying billions of dollars to their customers and to mitigate for pollution emitted from their cars and the current lawsuit against Fiat Chrysler and discrepancies in its auxiliary emission control devices. How would the proposed reduction impede the oversight that results from the work of this Lab?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q145: In order to meet the demand from the auto industry, how will EPA fill the funding gap that would result from the proposed reduction? Does EPA intend to create new user fees for the lab above the ones that the industry already pay?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OAR)

McCollum Q146: In March, EPA issued a notice of intent to reconsider the final determination on the appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards. At the proposed budget levels, how does EPA intend to conduct the analysis that this reconsideration will entail?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q147: What are the next steps in the process?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q148: Will EPA officially withdraw the final determination? If so, when?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q149: Will there be another proposed determination and public comment period?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q150: Will EPA and NHTSA produce another Technical Assessment Report? If so, does the proposed FY18 EPA budget provide enough resources to ensure a robust assessment?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Eliminating Programs Great Lakes - OW

The Great Lakes support a \$7B annual fishing industry and over 40 million people in this region depend on the Lakes for drinking water. Ecologically healthy lakes are necessary for the lakefront and recreational opportunities the Lakes provide for millions of people which contributes to local economies. Yet the FY 2018 budget shortsightedly proposes to eliminate \$300 million for the Great Lakes Restoration Initiative. This reduction will impact cleaning up toxic algae, phosphorus from sewage treatment plants, and other pollutants that threaten water supplies and make it dangerous to eat the Lakes' fish. It is will also jeopardize the work of Federal agencies, states and stakeholders to address invasive species like Asian carp.

McCollum Q151: How does EPA justify eliminating this program, and the many other geographic programs like it that are critical for healthy regional ecosystems?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q152: Why aren't protecting these irreplaceable resources considered a basic function of EPA?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q153: The Great Lakes effort is a multi-state effort which benefits from federal funding and staff support. Absent federal participation which encourages a collaborative effort to clean up ecosystems that span more than one state, what does EPA envision these efforts will look like moving forward?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q154: If funding is eliminated as proposed, how will EPA handle projects which are and could be in the middle of sediment remediation? Is there any risk that halting work could result in an environment hazard more dangerous than if the work had not been initiated?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q155: What would happen to projects which are recently completed but may be in the warranty work phase where habitat restoration or continued treatment for invasive species is being carried out? Sometimes these activities continue for 2-3 years. If this work is stopped, wouldn't the full benefit of the investment be lost?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q156: How would EPA manage the internal support contacts and the contract with Cetacean Marine associated with the maintenance and operation of the research vessels Lake Guardian and Mudpuppy II?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q157: What would be the associated costs of ceasing operations of the Lake Guardian and Mudpuppy II? Would the vessel be put into dry dock or would EPA dispose of it?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Managing Environmental Protection

Merging Regional Offices - Office of Budget with OARM, OLEM

It has been reported that EPA is conducting an analysis regarding merging regional offices that is due to the Office of Management and Budget on June 15, 2017.

McCollum Q158: How would EPA plan to continue the Agency's close working relationship with states, with less regional staff and more distance involved?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q159: What are the specific health impacts and environmental impacts of closing regional offices? How will these closures affect EPA's mission to enforce environmental laws and otherwise protect the environment and human health?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q160: Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q161: How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

McCollum Q162: How would EPA replace the on-the-ground knowledge, technical expertise and leadership in these regions, so essential to developing an acceptable resolution when a company is charged with a violation, to ensure that environmental compliance?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Combined Heat and Power Partnership - OAR

The Combined Heat and Power Partnership provides technical support, makes business-to-business connections, and issues achievement awards to its roughly 400 partners. Since its launch, the Partnership has been credited with supporting roughly one-third of CHP installations. These projects slash energy use and costs, making their hosts more competitive and cutting carbon emissions. They also make our energy infrastructure more reliable, since CHP projects can keep the lights on when the grid goes down.

More than 100 businesses, advocates and associations – including Ameresco, Siemens and Solar Turbines – have joined a letter reaffirming the great value of the CHP Partnership and of CHP itself.

McCollum Q163: Given the Administration's commitment to improving our industrial competitiveness compared to our international competitors – and the great support that the CHP Partnership has provided since 2002, why does the Administration want to eliminate it?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Environmental Monitoring - OAR

EPA tracks changes in nitrogen deposition and sulfur deposition to assess the effectiveness of the Acid Rain Program and related programs. The agency also tracks changes in surface water acidity in lakes and streams in acid sensitive regions to assess the change in the number of chronically acidic water bodies. The Administration budget proposes that EPA close seven of 59 EPA-sponsored CASTNET monitoring sites (six on Tribal lands) and seven of EPA's 32 National Atmospheric Deposition Program sites.

McCollum Q164: How will this reduce EPA's ability to measure the results of the Acid Rain Program and related programs?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Elimination of Alternative Dispute Resolution - OGC

McCollum Q165: What are the benefits of EPA's use of alternative dispute resolution, and what analysis has EPA done that indicates program offices are able to conduct ADR on their own, without support?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Climate Change: GAO High Risk Area (OAR)

McCollum Q166: According to EPA's budget, in 2013, the Government Accountability Organization designated climate change as a "High Risk" area, noting that climate change poses management challenges for the federal government at large, and that EPA will play a role in addressing this challenge. Since the budget request eliminates 91% of the climate change funding, what role will the Agency play in addressing this challenge?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Clean Power Plan (OAR)

McCollum Q167: What is EPA's plan to provide the same level of greenhouse gas emissions reductions as the Clean Power Plan and other rules the Agency plans to reexamine?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q168: When does EPA anticipate its review of the Clean Power Plan will be completed as every passing month delays the important emission reductions this plan was designed to achieve?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q169: Is EPA planning to extend the administrative stays of any other regulations that reduce greenhouse gases from stationary sources which it is currently reviewing?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ozone - OAR

McCollum Q170: Ozone is the main component in smog and has been scientifically proven to aggravate lung diseases, increase the frequency and severity of asthma attacks, and reduce lung function. EPA estimated that the benefit of an updated standard of 70 parts per billion will yield health benefits of \$13 billion each year. However, Administrator Pruitt has delayed the compliance deadline by a year. What will be the health impact and additional cost to the public of this delay?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

Chlorpyrifos (OCSPP)

Administrator Pruitt, during your testimony to our subcommittee you stated that the USDA had a differing opinion from EPA's scientists on the dangers of chlorpyrifos. You sided with the USDA in that disagreement when you rejected the petition to revoke food tolerances of chlorpyrifos.

McCollum Q171: What scientific evidence and peer-reviewed studies were the basis of the USDA's conclusions? Do they have data that shows there is a safe level of exposure to chlorpyrifos, particularly for children and pregnant women? Who determined that the USDA's science is more reliable or valid than EPA's, and what process or standards did they use to come to that conclusion?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q172: EPA has historically consulted with the USDA on pesticide related issues, but your testimony indicated that the USDA now has the power to overturn the conclusions of the Agency's own scientists. Has the USDA been elevated to the role of overseeing any decisions on pesticides under the Trump Administration? If so, who issued and approved of this guidance.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OCSPP

McCollum Q173: The mission of the USDA is very different from the mission of EPA. The USDA's mission is to provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues. EPA's mission is to protect human health and the

environment. Is the protection of human health and the environment still the mission that is guiding decisions on pesticide use under your leadership?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Environmental Impact on Children's Health

It is estimated that 88% of the existing global burden of disease attributable to climate change occurs in children younger than 5 years old in both industrialized and developing countries. Climate change is currently affecting child health through increased heat stress, decreased air quality, altered disease patterns of some climate-sensitive infections, physical and mental health effects of extreme weather events, and food insecurity in vulnerable regions. Outdoor air pollution is linked to respiratory problems in children, including decreased lung function, coughing, wheezing, frequent respiratory illness, and asthma exacerbation. Children bear the burden of negative health outcomes resulting from exposure to pollutants across their lifespan.

(OAR)

McCollum Q174: EPA has put a hold on efforts to make our air cleaner by pausing work on the ozone standard and the Clean Power Plan. Is EPA calculating the costs to children and their families from all of the health effects of polluted air and accelerated climate change?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(OA)

McCollum Q175: As EPA Administrator overseeing this regulatory review, are you consulting with pediatric associations, patient organizations, or other representatives for children's health to determine the cost burdens that rolling back these regulations would place on impacted families and our health care system as a whole?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q176: How will the benefits to children of strong environmental regulations be weighed in comparison to the costs to some businesses of meeting those regulations in any final decisions?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

Tribal Treaty Rights and Tribal Consultation - OITA

In February 2016, the Agency finalized the “EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights”. That Guidance begins with the statement that, “EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so.”

McCollum Q177: Does the Agency intend to continue to implement this Guidance under your leadership? Does the Agency continue to stand by the conclusion that you have an obligation to protect treaty rights and consult with tribal nations if those rights may be impacted by a proposed EPA action?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

McCollum Q178: The Guidance states that, “As part of its commitment, EPA will emphasize staff training and knowledge-sharing on the importance of respecting tribal treaty rights in order to better implement this Guidance”. What training has been done for staff on this topic since you were confirmed as Administrator? Does the Agency intend to provide such training in the future?

Answer: Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

McCollum Q179: Is the Agency engaging in formal tribal consultation during the review of regulations that you are currently undertaking? What efforts is the Agency undertaking to

evaluate the impact that any changes to existing regulations may have on tribal treaty rights throughout the nation?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q180: Tribal nations rely on many EPA grants and programs to protect their treaty rights and maintain the environmental health of the ecosystems that support their hunting, fishing, and gathering rights. Has the Agency engaged with tribal nations following the release of the Fiscal Year 2018 budget about the decision to cut funding for programs across the Agency that tribes rely on such as the Indian General Assistance Program, the State and Tribal Assistance Grants, the Great Lakes Restoration and Puget Sound geographic programs, and others? Are you consulting with tribal leaders around planning for implementation of this budget? Are you seeking tribal input on investments needed to protect tribal treaty rights as you develop your Fiscal Year 2019 budget?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

McCollum Q181: Please provide the Committee with a detailed list of all efforts to engage in tribal consultation. Additionally, please provide the Committee with a detailed analysis of the current funding that EPA distributes to tribal nations across all accounts and grants, and how the cuts proposed in the Trump Administration FY18 budget would affect it.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

Questions from Ms. Pingree:

Brownfields - OLEM

An EPA program that is of vital importance to the communities of New England and Maine in particular, is the Brownfields program. The capital raised through Brownfields investments has been extremely effective in turning community liabilities into assets throughout the state. And EPA itself has told us that brownfields leverage \$17 dollars for each dollar spent.

Pingree Q1: When you have publically supported the work of this program, why would this Administration turn away from the Brownfields program that leverages its funds so efficiently with a \$17 to \$1 return on investment?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

National Estuary Program - OW

One of the programs that you have at EPA that is relatively small in the scope of your budget, but that brings critical funds to coastal communities is the National Estuary Program. The work that they are doing on the ground in habitat restoration and protection helps in the 28 watersheds nationwide.

One of those critical watersheds is in Maine, the Casco Bay Estuary. They work with partners across Southern Maine to monitor our watershed in the Casco Bay and to use the data they find to help our fishermen, and our communities. But under your budget proposal, the program is proposed for elimination and the funds are not repurposed elsewhere but the work of this program will be entirely gone. On average, the NEPs raise \$18 for every \$1 provided by EPA.

Pingree Q2: Why does the FY 2018 budget propose to eliminate the NEP which provides such a clear benefit to the American taxpayer?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

[PAGE * MERGEFORMAT]

Wood Heater Standards - OAR

Pingree Q3: Can you provide for the record information and status of EPA's New Source Performance Standards for New Residential Wood Heaters given that there is a May 2020 effective date for Step 2 of this rule?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

EPA Water Sense Program - OW

Pingree Q4: Given that fact that many business and citizens were affected by drought and water supply shortages in recent years, and given the proposed cuts to programs at EPA such as Energy Star and Water Sense, how will EPA continue to support economic development that is based on significant water savings in drought stricken areas?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Toxics Funding - ORD

Pingree Q5: Given the 31% cut to the Chemical Safety for Sustainability research program, what are the potential impacts on the research and evaluation of human health effects of chemicals?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

[PAGE * MERGEFORMAT]

Questions from Mr. Kilmer:

EPA Ecolabel Program - OCSPP

In 2015, EPA issued procurement recommendations for forest products that discriminated against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS) – thereby excluding forest products produced from hundreds of millions acres of private, state, and federal forestlands. These recommendations were also inconsistent with the USDA’s Biopreferred Program, which puts all forest certification programs on a level playing field. The Fiscal Year (FY) 2017 Consolidated Appropriations Act directed EPA to provide a report to the Committee within 60 days regarding the current state of the agency’s Ecolabel program. The Committee also recommended that in developing the guidelines to evaluate eco labels that are used in Federal purchasing for building construction and other uses, EPA should be fair, transparent, and consistent with other product requirements.

Kilmer Q1: What is the anticipated timing for the completion of the report called for in the FY 2017 Consolidated Appropriations Act?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q2: Please outline the steps EPA will take to ensure that guidelines for the Ecolabel program will be developed in a transparent manner, inclusive to all certified sustainable US grown and manufactured forest products, and consistent with existing federal procurement policies like the USDA’s Biopreferred program.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Energy Star - OAR

EPA has a voluntary, non-regulatory, partnership program with private and public property owners called ENERGY STAR for buildings. Foundational to the program is an energy management and tracking tool developed and maintained by EPA called “Portfolio Manager” that enables properties to measure utility performance over time. Forty-four billion square feet of commercial space including school, office and apartments buildings – roughly half the commercial real estate market in the United States – use Portfolio Manager to measure and track how much energy and water is consumed by building occupants. This tool has become the trusted standard for building owners to identify opportunities for more efficient operation and achieve utility cost savings. Moreover, without Portfolio Manager, the real estate industry would

be left without its key compliance tool to meet the increasing number of state and local regulations that require buildings to measure and report their energy use in a transparent manner.

Kilmer Q3: Is Administrator Pruitt aware of the important role that the buildings branch of ENERGY STAR and the Portfolio Manager tool play in supporting the private real estate industry?

Answer: **Ex. 5 - Deliberative Process**

Kilmer Q4: Without funding, how does EPA plan to continue supporting Portfolio Manager?

Answer: **Ex. 5 - Deliberative Process**

Puget Sound - OW

Puget Sound, Washington, is among the most important estuary ecosystems in the United States, providing critical human and ecological values. The ecosystem supports more than 4.7 million people, including 19 federally recognized tribal governments; 211 fish species; 100 sea bird species; and 13 marine mammal species, including endemic orca whales. It also annually handles over \$77 billion in imports and exports, \$10 billion in outdoor recreation, and \$2 billion in agriculture revenue. Decades of human activity and development have degraded the ecological function of Puget Sound, and EPA has numerous statutory obligations to support Puget Sound recovery efforts.

Kilmer Q5: Please provide a list of all federal laws that mandate EPA's role in Puget Sound recovery efforts.

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Kilmer Q6: Please provide a summary of the total amount spent by EPA towards meeting its statutory obligations with respect to Puget Sound recovery over the past 5 years broken out by individual programs including State and Tribal Assistance Grants.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kilmer Q7: Please provide a list and brief description of all the current actions carried out by EPA (including those supported through grants/cooperative agreements with the state and tribes) that would be terminated if the Puget Sound Geographic program is eliminated.

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Tribal Programs - OITA

EPA's Region 10 office serves 271 federally recognized tribes in Alaska, Idaho, Oregon, and Washington. EPA is responsible for upholding federal trust responsibility to protect treaty rights that fall within its jurisdiction.

Kilmer Q8: Is the Administrator committed to upholding EPA's trust responsibility to all federally recognized tribes?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

government-to-government relationship the United States has with federally recognized tribes as well as fulfilling our federal trust responsibility.

Kilmer Q9: What legal consequences would EPA face if it fails to meet these obligations as a result of inadequate funding?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions from Ms. Kaptur:

CWA: Impaired water of Lake Erie - OW

Two years ago, Toledo's fresh water supply was shut down over an entire weekend due to toxic algal blooms from Lake Erie that crept into the water treatment facility. The algal bloom was a result of the overwhelming nutrient pollution running into the Lake. The amount of money required to fix this tri-state/binational environmental threat is enormous, and the responsibility for purifying the water should not simply rest with the City of Toledo, a community of 250,000 inside a watershed of over 2 million people and 10 million livestock. Further, Michigan has declared Lake Erie impaired; Ohio has not.

Kaptur Q1: During our hearing, you stated that Ohio had not assessed the waters of Lake Erie. However, under Section 305(b) of the Clean Water Act, states are required to assess all waters. Do you not agree that Ohio is required to assess those waters? Based on what authority did you defer to the state of Ohio's decision not to assess those waters? How can you approve an incomplete assessment?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Kaptur Q2: By default, by accepting Ohio's non-assessment, USEPA is declaring the open waters of Lake Erie not impaired. How can waters which are clearly comingled across state lines be considered clean on one side and impaired on the other?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Kaptur Q3: Can you please answer my question from the hearing: is not a tri-state watershed draining into a binational body of water with disputes over the water quality status precisely where EPA is statutorily mandated to take action?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q4: In their letter to USEPA on September 30, 2016, Ohio EPA indicated that USEPA should lead efforts to assess the nutrients and algae problems, as well as to develop a coordinated response, in Lake Erie. Do you disagree with their interpretation?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q5: Are you committed to upholding the 40% reduction of nutrient loading as agreed to in the Great Lakes Water Quality Agreement Annex 4, and supported by the Great Lakes Governors and Canada?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q6: What is EPA doing to assist the states in developing criteria to address harmful algal blooms and nutrient pollution? How much funding is provided for this work in FY 2017? How much is proposed in the FY 2018 budget request?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Funding for Water Infrastructure - OW

USDA's budget proposes to eliminate the entire \$500 million Rural Water and Wastewater loan program with the expectation that rural communities will compete for the limited Drinking Water SRF funds. The Drinking Water SRF does not increase by the \$500 million lost in the Rural Water and Wastewater loan program.

Kaptur Q7: How will rural water systems struggling to provide clean water to their neighbors find funding for clean water if the Drinking Water SRF is already woefully underfunded and now has to absorb a \$500 million program for rural communities?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Kaptur Q8: How will these small communities compete with the medium and large systems that will also be applying for SRF funds?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Funding to States (OA/OP)

Ohio EPA Director Craig Butler said that these cuts in your budget would result in a 30% cut to their budget, forcing major cuts to the state Superfund program and to Clean Water and Clean Air initiatives. If Ohio is not provided with adequate funding to implement those programs there

will be significant problems. The Agency will not be able to process permit applications, conduct inspections/reviews, and will likely reduce staff.

Kaptur Q9: How do you imagine that reality lines up with your priority of growing the economy and protecting the environment?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Budget Cuts (OA/OP)

Kaptur Q10: If the agency staff and funding levels are substantially cut, as the administration has proposed, and if the agency pursues all of the reconsideration and similar actions it has already announced, can you assure us that the agency will not miss any mandatory statutory deadlines for action?

Answer: **Ex. 5 - Deliberative Process**

Enforcement - OECA

Kaptur Q11: You talk about returning EPA to basics, but compliance levels with environmental laws in some sectors is dangerously low. How will you increase compliance with laws that protect our health, when your enforcement staff does not have any money to conduct casework?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Environmental Justice (OECA/OP)

Kaptur Q12: The Administration's proposed budget would do away with the office of Environmental Justice altogether. Do you believe that environmental costs and degradation has fallen disproportionately heavily on people of color, individuals in low-income neighborhoods, and those who have the least voice in the process? Does your plan to eradicate the office that is specifically tasked with addressing this issue indicate that you do not take it seriously? How do

you propose to address environmental racism and environmental justice while your agency cuts staff, enforcement, and the entire office tasked with tackling these problems?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Budget for Science and Research - ORD

The President's proposed budget request for FY2018 lays out a reduction in staffing at EPA by almost 25% over the FY2017 Annualized Continuing Resolution Full-Time Equivalent (FTE) levels. This proposed staffing cut hits the Science and Technology Appropriation, which houses EPA's Office of Research and Development, by 32.5%.

Kaptur Q13: Can you justify the budget reduction of the only Appropriation within the Agency that is responsible for providing robust scientific evidence to guide EPA in developing its regulatory decisions?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q14: With states relying on the scientific and technical expertise that EPA retains in-house to assist them in meeting their statutory requirements for environmental protection, how will the Agency be able to continue to meet the expectations of their state partners with such a substantial reduction in staff?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kaptur Q15: How can you justify such a dramatic cut that would seriously jeopardize the Agency's ability to use the best available science to protect human health and the environment?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(ORD)

We hope that EPA getting "back to basics" means that EPA will continue its mission to protect human health and the environment. However, recent activity at the Agency has provided some cause for concern, specifically, the decision to not renew the terms of several members of the

Board of Scientific Counselors for EPA's Office of Research and Development, with the stated intention of replacing those members with industry representatives.

Kaptur Q16: How do you reassure the American people that the quality of their air and water will not be compromised by the very same billion dollar industries you have spent decades representing, who now have a bigger seat at the table, and a greater ability to influence Agency decisions to improve their bottom line at the expense of the taxpayers health and well-being?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Questions from Ms. Lowey:

Climate Change

According to EPA's own information on Climate Change Indicators, between 1901-2015:

- Average surface temperature across the contiguous 48 states have risen more quickly since the late 1970s;
- Eight of the top 10 warmest years on record have occurred since 1998, with 2012 and 2015 being the two warmest years on record;
- 2006-2015 was the warmest decade on record; and
- Since the late 1970s the United States has warmed faster than the global rate.
- In addition, temperature is only one indicator of climate change, we could look at other indicators such as precipitation or extreme weather events.

Judging from your history as a climate change skeptic, I suspect you have little respect for these figures. But let's be outright with it.

(OAR)

Lowey Q1: Yes or no - is human activity a contributor to climate change?

Answer: **Ex. 5 - Deliberative Process**

Lowey Q2: With the drastic reductions in your FY 2018 budget request, how will EPA continue to study and address the impacts of climate change?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Addressing the impacts of climate change/Paris Accord

Ex. 5 - Deliberative Process

I am deeply concerned by the Administration's decision to withdraw from the Paris Agreement. Coupled with the budget's elimination of any funding to combat climate change, the Administration is ignoring changes in our environment that threaten food security, biodiversity, business interests, and even our coastal cities like New York. It is irresponsible to think we are putting America first by ignoring these global threats. Nicaragua and Syria are the only other nations not participating, though I should note that even Nicaragua declined to participate because they felt the agreement did not go far enough. International backlash to the U.S. pulling out has been unprecedented and appears to have undermined U.S. global leadership. You recently made the statement that you had not spoken with President Trump about whether he believes that climate change is real and whether humans impact it. You further stated that the focus of your discussions with the President has been on the merits and demerits of the Paris Agreement. Because the Paris Agreement's central aim is to strengthen the global response to the threat of climate change, it baffles me that you two would not have discussed climate change.

Lowey Q3: To date, have you still not asked the President what his beliefs are regarding climate change?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q4: You were in Italy this week for the G7 Meeting on the Environment. What has been the response from our international partners about President Trump's decision to withdraw from the Paris Agreement?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q5 (Q4a): Who will fill the void of U.S. leadership on climate issues?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

American Energy Jobs *(OAR)*

Pulling out of the Paris Agreement prioritizes jobs in the fossil fuel industry over renewable energy jobs. There are more than 678,000 jobs in renewable energy, more than the 515,000 jobs in oil/petroleum.

Lowey Q5: All jobs matter, so why are you arguing that protecting renewable energy jobs is bad for America?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q6: While we are discussing energy jobs, would you like to clarify the statement you made on Meet the Press on June 4 that since the fourth quarter of last year, 50,000 jobs in the

coal sector have been added, and almost 7,000 in the month of May alone? Do you still believe those numbers to be accurate?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q7: It's important to get the facts right. According the U.S. Bureau of Labor Statistics, there were 51,000 total jobs as of May in coal mining, and 400 coal mining jobs were added in May.

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

National Institute of Environmental Health Sciences (OAR)

The National Institute of Environmental Health Sciences discusses how as global temperatures rise and extreme heat events increase in frequency due to climate change, we can expect to see more heat-related illnesses and mortality. Socioeconomic factors, such as economically disadvantaged individuals are at greater risk from heat-related burdens.

Lowey Q8: This Administration states it is concerned about the “forgotten men and women,” but how does pulling out of the Paris agreement not forget about the men, women and children that will now suffer more heat-related illnesses because we have abandoned efforts to reduce greenhouse gas emissions, while at the same time working to pull back regulations on carbon emissions?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Superfund – Hudson River PCBs - OLEM

I understand you are a strong supporter of the Superfund program and have made commitments to support clean-ups. Yet, your budget proposes to cut the Superfund program by 30%, diminishing EPA's ability to compel responsible parties to pay for site cleanups, which leaves taxpayers on the hook. You also cut EPA's direct funding for clean-up.

Lowey Q9: As a result, doesn't this mean hazardous sites won't get cleaned up? Does that include the eight in Oklahoma?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Lowey Q10: Can you specify which Superfund site cleanups will not be completed, and which will slow down from their currently planned time tables as a result of these proposed cuts?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Lowey Q11: Can you specify which potential Superfund sites will not be thoroughly investigated as a result of these cuts?

Answer: **Ex. 5 - Deliberative Process**

Lowey Q12: Can you estimate how much money from potentially responsible parties will be lost to the federal government from your reductions to this program?

Answer: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q13: How do you respond to those who feel this is not sufficient and that cleanup should be expanded?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q14: How can you in good conscience propose not providing families in New York with clean water and accomplishing the task of cleaning up the PCBs in the Hudson River?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

² The report is available at www.epa.gov/hudson.

Ex. 5 - Deliberative Process

Long Island Sound - OW

The FY 2018 budget proposes to eliminate the Geographic programs. This includes \$8 million for Long Island Sound. These programs directly benefit the vast majority of our country's residents and businesses, and are focused on cleaning up pollution and promoting healthy ecosystems which benefit the economy.

Lowey Q15: Why do you feel it is prudent to eliminate funding when you are making progress in cleaning up these ecosystems?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q16: Can you guarantee that stakeholders are ready to step in to fill the void left by the elimination of federal funding?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lowey Q17: What discussions have you had with Governors, cities, and communities that have been active partners and will be affected by this proposed approach?

Answer: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Attachment 1—Additional Questions for the Record

The Honorable John Shimkus

1. **OCSP** - While some are interested in ensuring EPA actions to limit one or more FIFRA-regulated substances, I am more interested in all FIFRA related activities, particularly in view of the uncertainty about the future deployment of user fees now made available under the Pesticide Registration Improvement Act.
 - a. If PRIA fees were to expire:
 - i. Would this mean the reinstatement of tolerance fees?
 - ii. If yes, would the reinstatement of tolerance fees produce enough revenue to ensure the robustness reviews mandated by FIFRA?
 - b. What percentage of staffing expenses are covered by PRIA fees?

Answer:

Ex. 5 - Deliberative Process

- c. If PRIA fees expire:
 - i. How many EPA employees – both FTE and contract workers – would be impacted, including through the loss of employment?
 - ii. How much in budget resources would EPA need to transfer to OCSP to make up for lost PRIA revenues for FIFRA activities?
 - iii. What is the impact on the pace of pesticide applications reviews? How much longer will they take?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

2. **OCSPP** Legislation pending in Congress would provide PRIA fees for another 3 years, but also address other matters as well.
 - a. Please explain the need for and characterize the significance of having, including in practical terms:
 - i. \$500,000 in funding for efficacy guidelines for public health pesticides;
 - ii. \$500,000 for good laboratory practices funding;
 - iii. An increase in maintenance fees from \$27.8 to \$31 million for review and registration;
 - iv. Additional categories and deadlines for products reviewed; and
 - v. Removal of FIFRA section 4(k)(2).
3. **OAR** Beginning in 2023, the agency will have more flexibility to set targets under the Renewable Fuel Standard (RFS). Given EIA projections of a 31 percent decrease in motor gasoline consumption between 2017 and 2050, based upon increases in fuel economy standards and electric vehicles market penetration:
 - a. Will EPA have authority in 2023 and subsequent years to reduce biofuel volume requirements below the existing statutory guidelines? Could this result in fewer gallons of biofuel in the market in the future than exist today?
 - b. Will EPA have authority in 2023 and subsequent years to allow a RIN to be generated by recharging an electric vehicle with electricity generated from a biogas power plant or other renewable energy source?
 - c. Will EPA have authority in 2023 and subsequent years to reorganize the program's four existing nested categories?
4. **OAR** Is EPA engaged in planning for 2023 and subsequent years with regard to the agency's reset authority and the RFS? If so, please describe the range of options that EPA is considering.

5. **OLEM/Superfund** The Folcroft Landfill (Operable Unit 2 of the Lower Darby Creek Superfund Site in Pennsylvania) was placed on the NPL in 2001, and the Remedial Investigation has not been finalized. The July 2017 Superfund Taskforce report recommends inquiry and additional resources for sites on the NPL for five years or more without a significant movement. What inquiries and additional resources have been directed to the Folcroft Landfill which has been on the NPL since 2001 without completion of the Remedial Investigation?
6. **OLEM/Superfund** The EPA Taskforce Report recommends the establishment of a clarification to the principles for groundwater restoration. What is the goal for groundwater remediation at the Folcroft Landfill (Operable Unit 2 of the Lower Darby Creek Superfund Site in Pennsylvania)?
7. **OLEM/Superfund** This Operable Unit, which is owned by the Department of the Interior, is within the John Heinz Wildlife Refuge.
 - a. Do EPA's goals for groundwater restoration take into account the Department of Interior's long range plan for the Refuge?
 - b. Is the Folcroft Landfill eligible for a Technical impracticability waiver for groundwater?
 - c. What is the process and standard to receive a TI waiver?
 - d. How would changes to the process and standards for awarding a TI waiver, as recommended by the July 2017 EPA Taskforce Report, impact the Superfund process at the Folcroft Landfill?
8. **OP** EPA's recently released proposed rule on increasing transparency in regulatory science states that the proposal is consistent with the requirements for major scientific journals like Science, Nature, and the Proceedings of the National Academy of Sciences.
 - a. Why are more journals and scientific institutions implementing these transparency policies?
 - b. Isn't replication and verification a key step in the scientific process?
9. **OP** Despite the many claims made prior to the release of this proposal, would this proposed rule violate any existing federal laws on privacy?
10. **OP** What is this proposed rule's impact on confidential business information (CBI)? Please state how you plan to ensure that in any final rule EPA will neither: be (1) prevented from using science that cannot be published (because it has CBI in it) nor forced into the default position that EPA should endeavor to publicly release all scientific data – including legally colorable CBI – so that this science can be used by the Agency?

11. **OCI** I understand the Agency is looking at its work force to see how it can better function.
- a. How many people does EPA have working full-time for the Agency in headquarters?
 - b. How many people does EPA have working full-time for it in its regional offices?
 - c. How many contractors currently work for EPA? [if he doesn't know what number ask him for a percentage. If that fails, ask him why not]?
12. **OCI** One of the priorities for the proposed budget includes an "EPA Reform Plan." Projects under this plan include streamlining the permit review process, developing a Lean Management System, and reducing the reporting burden on the regulated community.
- a. Why were these areas made priorities?
 - b. What progress has been made so far on these efforts?
 - c. Do you have benchmarks and timelines for the Reform Plan?
13. **OCI** What are the biggest obstacles to meaningfully reforming EPA to engage the 21st Century?
14. **OCSPP** The proposed budget has four Agency Priority Goals, including that EPA intends to meet statutory deadlines for chemical reviews under the Toxic Substances Control Act. In particular, EPA plans 100 percent compliance with "existing" chemicals and only 80 percent compliance certain "new" chemicals.

Under the law, EPA is the gatekeeper to innovation because these chemicals cannot go to onto the market until EPA decides they can and companies cannot work to improve these chemicals unless EPA says there is a problem.

As of April 17, 2018, EPA's website was reporting that EPA had 449 pending applications for new chemicals. In addition, the EPA website claims the typical caseload for new chemicals under review is approximately 300 cases.

- a. Is the increase in pending applications – at one-third of EPA's historical output, due to a higher number of new chemicals applications coming into the Agency at the same time or EPA falling behind again on getting them processed?
- b. What do you intend to do to eliminate the backlog and keep it at bay?
- c. One thing the EPA website does not give data on is just how long some of those applications have been sitting at EPA. The law is very clear 90 days and no more than 180 days to review and regulate.
 - i. How many of the 449 new chemicals applications sitting at EPA are less than 90 days old?

- ii. How many of the 449 new chemical applications sitting at EPA are more than 90 days old, but less than 180 days?
 - iii. How many of the 449 new chemical applications have been filed with EPA for more than 180 days and what is the range of time on them?
- 15. **OCSPP** Under TSCA section 26, the Agency has authority to set fees to defray the costs of chemical testing, new and existing chemical review and regulation and to offset related costs for processing confidential business information. For new chemicals, EPA moved the fee from \$2,500 to \$16,000 – a more than 6-fold increase – and for small manufacturing entities – EPA raised the fee for new chemicals from \$100 to \$2,800 – or a 28-fold increase.
 - a. How much impact with these dramatic fee increases have on improving the speed at which the Agency is reviewing new chemicals?
 - b. If not much, then what is the problem?
- 16. **OCSPP** The proposed fee rule suggests EPA will see 10 percent fewer new chemical applications based on legal changes to how EPA is supposed to review new chemicals. What kind of new chemical applicant attrition is expected due to the combined fee increase and lack of generated revenue from the chemical?
- 17. **OLEM/Superfund** Portland Harbor is complex site at which almost 100 potentially responsible parties (PRPs) have been identified. It is my understanding that on March 16, 2018, EPA sent all of the PRPs a letter indicating that EPA will be issuing Special Notice Letters for full performance of the remedial design/remedial action (RD/RA) at the Portland Harbor Site by the end of 2019. However, several of the PRPs have indicated that the allocation process will not be complete by that time, and that the issuance of Special Notice Letters will actually slow the clean-up, because companies will choose to litigate rather than potentially bear the full cost of the clean-up at that point. How will EPA balance the allocation process timeline and issuing the Special Notice Letters?

The Honorable David B. McKinley

- 1. **OW** I appreciate your commitment to supporting cooperative federalism under the Coal Combustion Residuals (CCR) permitting program by working with states to develop, submit, and implement state CCR permit programs. How is EPA working with states as they develop and submit these plans, particularly those that are seeking to incorporate WIIN Act authorities rather than just adopting the current, self-implementing federal rule?
- 2. **OW** As states develop these programs, guidance from EPA will be important. With that in mind, Congress appropriated \$6 million to EPA for FY18 to develop its own federal permitting program for “non-participating states”. Please provide an update on and timeline for the development of that federal permit program.

The National Association of Scholars recently published a report titled, “THE IRREPRODUCIBILITY CRISIS OF MODERN SCIENCE, Causes, Consequences, and the Road to Reform”. They state, “The Federal government should also consider instituting review commissions for each regulatory agency to investigate whether existing regulations are based on well-grounded, reproducible research. These should establish the scope of the problem by identifying those regulations that rely on unreplicated or irreproducible research, and recommending which regulations should be revoked.”

3. **OP** Will you commit the EPA to investigate whether existing regulations are based on well-grounded, reproducible research?
4. **OP** Will you commit the EPA to identify those regulations that rely on un-replicated or irreproducible research?
5. **OP** Will you provide a report to our committee and my office with the results of your investigation?
6. **OP** Will you provide a report to our committee and my office regarding if the endangerment finding for CO2 was based upon well-grounded, reproducible research?

Administrator Pruitt, I know that the ethanol industry has recently attacked the EPA for granting small refinery hardship relief.

7. **OAR** Does the Clean Air Act establish small refinery hardship relief?

Answer:

Ex. 5 - Deliberative Process

8. **OAR** Has the Congress affirmed this on several occasions by directing the DOE to study this issue and, more recently, reminding the EPA that it did not intend for small refineries to bear a disproportionate regulatory burden?
9. **OAR** Did the DOE’s 2011 report for Congress predict that harm to small refineries would increase over time, not diminish?
10. **OAR** Did the 10th circuit decision last year instruct the EPA to grant small refinery hardship relief?

Some have made the argument that hardship relief results in “demand destruction” for ethanol by resulting in less blending. Regardless of if small refineries receive hardship relief, they are incentivized to blend ethanol for many economic reasons: 1) it is cheaper than gasoline, 2) they must meet their RVO, and 3) they can sell RINS not needed for compliance.

11. **OAR** Was ethanol consumption up in the first quarter of 2018?
12. **OAR** Was it, in fact, higher than projected in November of 2017 when RINS were 80-90 cents a gallon?
13. **OAR** Did ethanol consumption increase throughout 2017 despite hardship relief?

President Obama used an EPA “veto” twice in unprecedented fashion. The Spruce Coal Mine located in West Virginia, had the required permits and approvals in hand, when the EPA “vetoed” the project. The project went through the entire regulatory process and was approved by ALL parties. Then the Obama Administration’s “War on Coal” went into high gear. The EPA vetoed the project. The second instance was the Pebble Mine in Alaska, where they vetoed the project prior to the approval process starting. Both instances of using the EPA veto are very dangerous if they are allowed to stay in place. A future administration can use the veto to shut down the entire coal mining industry if both precedents are not reversed by the EPA. I can think of no greater threat to the industry.

14. **OW** Will you consider revoking both the Spruce Mine and Pebble Mine vetoes?
15. **OW** Do you believe that the EPA should have the authority to preemptively veto development projects under Section 404 of the Clean Water Act before any permit applications have been submitted to the Army Corps of Engineers?
16. **OW** President Trump, in his Infrastructure Initiative, has proposed legislation that eliminates entirely EPA’s authority to veto projects under the Clean Water Act. Why have you taken a position, by leaving in place the Pebble veto, that is different than the President’s policy?

Answer:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

17. **OW** Isn't it correct that under the applicable regulations the Army Corps of Engineers cannot issue a permit to a project developer if the EPA has even begun the process of issuing a veto?
18. **OW** Is there any environmental harm that occurs whatsoever by allowing a permit application to be considered by the Army Corps of Engineers without a veto pending?
19. **OW** Isn't it better to wait until the Army Corps of Engineers has decided whether to grant a permit before EPA issues a veto, if one is to be issued at all?
20. **OW** Has EPA ever before issued a preemptive veto of the sort you have left in place with your decision not to withdraw the veto of the Pebble mine?
21. **OW** In the Agency's decision not to withdraw the preemptive Pebble veto, you cited the risk created by the project. In doing so, you are relying on the Bristol Bay Watershed Assessment, which many of the Agency's own peer reviewers said was insufficient to support a regulatory decision. Why are you relying on science that has been discredited?

The Honorable Gregg Harper

1. **OAR** Does the Clean Air Act establish small refinery hardship relief?

Answer:

Ex. 5 - Deliberative Process

2. **OAR** Has the Congress affirmed this on several occasions by directing the DOE to study this issue and, more recently, reminding the EPA that it did not intend for small refineries to bear a disproportionate regulatory burden?

3. **OAR** Did the DOE's 2011 report for Congress predict that harm to small refineries would increase over time, not diminish?
4. **OAR** Do small refineries typically produce more diesel than gasoline?
5. **OAR** Blending gasoline with ethanol to current standards will separate more RINs than blending the same volume of diesel. EPA's RVO calculation, however, imposes the same proportional ethanol RIN obligation on all refiners even though some produce significantly less gasoline and more diesel than others. Even if they blend all their production, these diesel rich refiners cannot separate enough RINs to meet their total obligation while their gasoline rich competition will separate more than required. These refiners who produce more diesel are then forced to buy RINS.

Does the hardship process give EPA a tool to mitigate this structural discrimination against these small refineries?

6. **OAR** RFA has made the argument that hardship relief results in "demand destruction" for ethanol by resulting in less blending. Regardless of whether or not small refineries receive hardship relief, they are incentivized to blend ethanol for a number of economic reasons: 1) it is cheaper than gasoline, 2) they must meet their RVO, and 3) they can sell RINS not needed for compliance.
 - a. Was ethanol consumption up in the first quarter of 2018?
 - b. Was it, in fact, higher than projected in November of 2017 when RINS were 80-90 cents a gallon?
 - c. Did ethanol consumption increase throughout 2017 despite the EPA granting small refinery hardship relief?
7. **OLEM** Some of my constituents have raised an issue regarding oil spill response training. I am told that the funding for certain training courses for federal and local responders involved in inland oil spill prevention and cleanup has been eliminated and that the EPA Environmental Response Team is no longer able to consistently make these courses available.
 - a. With an increase in oil production across the country, there remains a need for oil spill response training for local, state, and federal responders. Would you commit to looking into whether funding can and will be made available for this important training?
8. **OAR** I want to applaud the work EPA is doing to streamline or eliminate unnecessarily costly regulations. And while most of the attention is focused on major rules like the Clean Power Plan or Waters of the United States, I am particularly pleased that under your leadership EPA is taking a second look at other regulations that may not be major but nonetheless have a serious impact on small businesses. In particular, I hear that EPA is reviewing the Obama era rule targeting wood heater manufacturers such as Hardy

Manufacturing back in my district. But time is of the essence, as the regulatory deadlines are coming soon. Can you assure us that you will do all you can to provide timely regulatory relief for wood heater manufacturers?

The Honorable Tim Walberg

1. **OCSPP** This is a very technical issue but an extremely important one to manufacturers in Michigan. In 2011, EPA approved the use of Isobutane as a refrigerant and limited the amount of refrigerant that could be used in a refrigerator to 57 grams. This amount was based on a well-recognized safety standard limit at the time. However, the safety standard has since been updated to increase the allowable amount of refrigerant to 150 grams. These refrigerants are more environmentally friendly and supported by both industry and environmental advocates yet manufacturers are still in limbo as they away EPA's rulemaking.
 - a. Can you commit to working on this issue to recognize the updated safety standard so manufacturers can beginning retooling and redesigning refrigeration products? Delay will only add cost to American workers and our manufacturing shop floors.
 - b. I know you have a lot of issues to deal with at the EPA, but I urge you to publish the technical correction without delay. It's my understanding refrigerator manufacturers have been working with your staff at the EPA for over a year now on this and would welcome the update.
2. **OAR ENERGY STAR** is an important program and one that consumers in my district value. Over the past year, manufacturers in my state have stressed the need for the program to be reformed. In the FY18 Omnibus Appropriations package, EPA and DOE were directed to revisit the Obama era Memorandum of Understanding (MOU) that changed the way the program was managed and report back to Congress within 90 days.
 - a. The 2009 MOU for example moved home appliances out of DOE and over to EPA, where the products had never been managed before. DOE has the expertise in these products because they regulate them through the appliance standards program required by EPCA. It doesn't make sense to me to have duplicative programs built up within two agencies. From a good governance perspective and in the era of streamlining programs under the EPA's purview, I would like to hear from you on this specific topic.
 - b. Would you support moving the ENERGY STAR program for home appliances back to DOE while still maintaining a majority of the management within EPA? It's my understanding a broad set of industries are eager to work with your agency on these issues and I look forward to working with you to revisit the MOU.

The Honorable Earl L. "Buddy" Carter

EPA Marine Engine Waivers

In a recent Energy & Commerce Committee hearing, you mentioned that you would now be personally involved in the marine engine waiver issue for pilot boats, after giving the commitment to look into in your December testimony from the committee. This is a pressing issue that could have a wide-ranging impact on our port operations and growth.

1. **OAR** Mr. Administrator, can you please provide a breakdown of the actions the EPA has taken to address the Tier 4 concerns?
2. **OAR** Please provide a timeline of what the EPA has done and any upcoming actions that will be taken by the EPA to address this concern.
3. **OAR** After you send technical experts to California, what will need to be done?
4. **OAR** Does the EPA have the authority to move forward with a waiver system? If not, what are your legal restrictions?

Tier 4 Restrictions for Generators

1. **OAR** Administrator Pruitt, I have a similar concern for the Tier 4 restrictions placed on large, 1-megawatt generators. It's my understanding that the Tier 4 restrictions are preventing Tier-4 generators from being sold in the market due to that and the portability restrictions. It's forecasted that there won't be a viable solution in the market until the early 2020s. Is this something you are working on?
2. **OAR** What would need to be done by the EPA to remedy this situation and allow for the sale of currently developed generators?
3. **OAR** Is the EPA currently reviewing this concern or working on any changes that would remedy it?

Biomass

I commend you for your policy statement clarifying biomass carbon neutrality on Monday, April 23 in my home state of Georgia. As you know, the Consolidated Appropriations Act of 2018 included language in Section 431 Policies Relating to Biomass Energy directing the Secretaries of Energy and Agriculture and the Administrator of the Environmental Protection Agency to establish clear and simple policies that reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source provided the use of forest biomass does not cause the conversion of forests to non-forest use.

1. **OAR** What is the EPA's progress in implementing a regulation on carbon neutrality of biomass? What are the next steps?

The Honorable Jeff Duncan

Some of my corporate constituents are subject to complex and, at times, inconsistent regulation by the Environmental Protection Agency. Inconsistent actions or interpretations by EPA are particularly burdensome to my constituents when the Agency's Policy and Enforcement Offices take positions that are at odds with each other. To that end, please explain whether, and to what extent, EPA's Office of Enforcement and Compliance Assurance ("OECA") consults with EPA's Office of Transportation and Air Quality ("OTAQ") prior to initiating any enforcement action involving a certification issued by OTAQ (for example, an enforcement action alleging uncertified engine parameters).

1. **OECA/OAR** In addition, what steps can be taken by EPA to improve and streamline consultation between OTAQ and OECA to avoid unnecessary hardship on the regulated community?

During the last Administration, many Energy Star program operations were shifted from the Department of Energy, where they had been since 1996, to EPA. I understand from home appliance manufacturers that they would like Energy Star efforts related to home appliances transferred back to the DOE. One of these is Electrolux, a home appliance manufacturer that has a large presence in my district in Anderson, SC. This is an important issue for South Carolina as we have recently seen a great deal of investment in the home appliance industry. In Newberry, SC Samsung recently opened its first U.S. based home appliance manufacturing facility and is on track to create over 1,000 jobs by 2020.

1. **OAR** With the Appliance Standard program at DOE and Energy Star at EPA, companies currently have two federal agencies attempting to coordinate changes in product specifications and test procedures on the same products. This creates unnecessary cost, confusion and uncertainty for manufacturers and does not appear to bring any benefit to consumers. **Administrator Pruitt**-are there any efforts to make such a change?
2. **OAR** Wouldn't this change fit in with your desire to get EPA back to its core functions?

The Honorable Frank Pallone, Jr.

During your appearance on April 26th, you stated that purchasing real estate through a Limited Liability Corporation, or LLC, is "normally how you buy real estate in Oklahoma." Your ownership stake in that LLC was not included in your financial disclosures at the time.

1. **OPA** How often have you purchased real estate through an LLC?
2. **OPA** Do you currently own property through an LLC or have a stake in an LLC that owns property?
3. **OPA** Please list all property you have purchased and/or owned a stake in through an LLC.

4. **OPA** Please explain why your ownership stake in Capital House, LLC was not listed in your financial disclosures at the time.

Also at the April 26th hearing, you disavowed knowledge of whether you had paid taxes on the income from your ownership stake in Capital House LLC. You said “you provide information to your accountant, they determine what you pay.”

5. **OPA** Did you sign your tax filings for the years in question? Do you take responsibility for the accuracy of the information contained therein?

Extensive questions have been raised about your tax liability for the expenses of your security detail when they accompanied you on personal travel, including to Disney World and the Rose Bowl.

6. **OPA** Did you pay taxes on that benefit?

It has been revealed that the EPA reimbursed your former landlord, Vicki Hart, for the repair of a door at your residence.

7. **OPA** Did you reimburse the EPA for that expense?

8. **OPA** If not, did you pay taxes on that income?

During the Administrator’s April appearance before the Subcommittee, Chairman Walden underscored the importance of staffing and internal management issues at EPA, stating “it is essential that EPA have the staff with proper expertise, implementing and enforcing programs that correlate with their experience.”

9. **OCI** Please provide the Committee a copy of the EPA’s reorganization plan submitted to OMB pursuant to Executive Order 13781, including any interim and final drafts submitted to OMB.
10. **OCI** Please provide the Committee a copy of the EPA reform plan.
11. **OCI** Explain the similarities and differences between the reform plan and the reorganization plan.
12. **OCI** Please provide the Committee a copy of the EPA’s operating plan for new hires and indicate how many new employees EPA plans to hire in each program office.
13. **OCI** Please provide the Committee with the names of political and career members of the hiring review panel.
 - a. On what criteria were the panel members chosen?
 - b. What procedures do the offices need to do to make a hiring request of the panel?

14. **OCI** When filling a position from within the agency, how is it determined a staff member possesses the technological skills appropriate for the office of which they are being transferred?

15. **OCI** Please provide the following information:

- a. FTE on EPA payroll in regional offices and in HQ.
- b. The number of employees that have left the EPA through attrition during 2017 and 2018, and the numbers from each office.
- c. Please provide a list of employees that have been moved to a new position within the agency, including their previous office, title, position description, and their new office, title, and position description.
- d. The predetermined employee headcounts for each office.

The Honorable Bobby L. Rush

During the question period I spoke to you about the widespread levels of lead that have been detected throughout homes in Chicago and I referenced a recent Tribune article entitled “Brain-damaging lead found in tap water in hundreds of homes tested across Chicago, results show” (April 12, 2018).

You agreed with me that this was a severe problem, nationally, and it would cost approximately \$45 billion to resolve. You mentioned that there was a program at the agency consisting of \$4 billion in grants, annually, for ten years that states could apply for to address this issue.

1. **OW** Can you provide more information regarding this program, including eligibility requirements, deadlines, and the dollar amounts available?
2. **OW/OP/R5** Will you commit to work with my office to have staff from EPA Region 5 come into my district to discuss this program with state and local leaders, as well as other stakeholders concerned with this issue?

The Honorable Diana DeGette

1. **OPA** I questioned you about your legally dubious real estate transactions, but further information is needed in light of your incomplete answers and troubling new developments.¹

In your testimony before the Subcommittee, you failed to disclose significant details concerning your 2003 purchase of a luxury home in Oklahoma City. According to a recent report in the *New York Times*, you purchased the home with Justin Whitefield, a registered lobbyist who, at

¹ House Committee on Energy and Commerce, *Hearing on the Fiscal Year 2019 Environmental Protection Agency Budget*, 115th Cong. (Apr. 26, 2017).

the time, was pursuing business-friendly changes to Oklahoma's workers' compensation rules, which you allegedly helped negotiate.² Mr. Whitefield, yourself, and four other owners reportedly used a limited liability company, Capitol House L.L.C. (Capitol House), to purchase the home.³ The seller, Marsha Lindsey, was a telecommunications lobbyist for SBC Oklahoma, and sold the property at a significant discount of approximately \$100,000.⁴ SBC Oklahoma reportedly offset this amount in Ms. Lindsey's retirement package.⁵

Your incomplete testimony leaves key questions unanswered concerning this transaction. You allegedly paid for one-sixth of the purchase price, and according to reports, you purchased the home with Kenneth Wagner, who now serves as a political appointee at EPA and previously served as treasurer of your political action committee,⁶ as well as health care executive Jon Jiles.⁷ However, the identity of two additional owners remains unknown.

You also apparently failed to disclose your interest in Capitol House in your financial disclosure filings, and in your testimony could not confirm whether you paid taxes on rental income received for a room on the property rented to another Republican lawmaker.⁸

Given your history of real estate transactions with lobbyists both in Oklahoma during your tenure as a state legislator and in Washington, D.C. while serving as EPA Administrator, and in light of these troubling developments, I ask that you respond to the following requests:

- a. Please provide the names and corresponding ownership share of all owners of Capitol House.
- b. Please provide documentation of your payment for and purchase of an ownership share in Capitol House, including the terms of the payment and the individual or entity who received the payment.
- c. Please provide copies of your financial disclosures disclosing your ownership interest in Capitol House.

² *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

³ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁴ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁵ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁶ *Pruitt's Friend Joins Agency as Senior Adviser*, E&E News (Apr. 13, 2017).

⁷ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁸ *Scott Pruitt Before the EPA: Fancy Homes, a Shell Company and Friends with Money*, New York Times (Apr. 21, 2018).

- d. Please provide the name of the individual(s) who arranged for cash purchase of the Oklahoma City property and subsequent transfer of ownership to Capitol House.
- e. Please provide the name of the individual(s) who requested or arranged for Spirit Bank, where former EPA appointee Albert Kelly was chief executive, to approve a mortgage in the name of Capitol House.
- f. Please provide documentation demonstrating you paid taxes on all rental income received from Jim Dunlap or any other tenant who rented space on the property, including, but not limited to, Schedule K-1 tax forms.
- g. Please provide documentation of any proceeds you received for the 2005 sale of the property, including the amount and date received.

The Honorable Janice D. Schakowsky

- 1. **OPA/AO Speeches:** Please provide the date, location, name of event, and text for all speeches you have given to industry associations (e.g. Louisiana Chemical Association) in your capacity as EPA Administrator.
- 2. **OPA/AO Official vehicle:** During the hearing, you stated that EPA staff “just asked for consultation” on the selection of your official vehicle. During this consultation, did you or people responding on your behalf express a preference for a larger vehicle, leather interior, bucket seats, Wifi, GPS navigation, or any other luxury features that were ultimately included in the vehicle selected?
- 3. **OP/OPA/AO Samantha Dravis:**
 - a. At any time during Samantha Dravis’s employment at EPA, was she employed or compensated using authority under the Safe Drinking Water Act?
 - b. How much was Samantha Dravis compensated during the three months from November 2017 to January 2018?
 - c. According to the EPA’s own spokesperson, Ms. Dravis was a “senior leader at the EPA.” Do you have record of meetings attended in person or substantial projects completed by Samantha Dravis during the three months from November 2017 to January 2018? If so, please summarize. Please provide all records of meetings attended in person or substantial projects completed, as well as any emails between Administrator Pruitt and Ms. Dravis concerning her attendance or departure from the EPA.
 - d. Was Samantha Dravis approved for first class travel to or from Morocco in December 2017? If so, who at EPA approved first class travel and on what date?

The Honorable Paul Tonko

1. OP/ORD Strengthening Transparency in Regulatory Science Proposed Rule

- a. Please cite specific provisions in statute that require EPA to make the changes proposed in the Strengthening Transparency in Regulatory Science rule?
- b. Do any of the statutory authorities identified by the proposed rule include the ability to grant exemptions to the treatment of science at the Administrator's discretion to address issues on a case-by-case basis?
- c. What science organizations or stakeholder groups were involved in the development of this proposed rule? Please provide a list of all meetings, including teleconferences, with these organizations, including the date, and the name, title, and organizational affiliation of participants.
- d. Previously, EPA analyzed legislation (The HONEST Act) that would have similar goals and estimated it would cost \$250 million annually to implement. Did EPA develop any cost estimates to implement the proposed rule?
- e. If so, please provide any cost analysis completed regarding the proposed rule.
- f. Why did EPA conclude this is not an economically significant rulemaking? Please explain EPA's analysis associated with this conclusion.
- g. Please provide a list of all key meetings and determinations made for this rulemaking during the Action Development Process, including the rulemakings tier, meeting dates and participants in any intra-agency work group meetings, and a list of EPA offices which participated in the development of the rulemaking. For each office, please provide the name, title, and office of each work group participant.
- h. Did EPA examine lost benefits or costs associated with EPA's inability to consider certain scientific studies as a result of this proposal?
- i. If so, what analysis was done on costs or lost benefits, and what were the results?
- j. Many older studies may rely on data that are no longer available. Does EPA have any estimates or analysis of how many studies would be disqualified to be used for major rulemakings under this proposal?
- k. How long did the Office of Information and Regulatory Affairs (OIRA) take to complete its review of the proposed rule? Please provide the date OIRA accepted and began review, and the date OIRA completed review.

- l. Did EPA or other executive officials have any communication with the Office of Information and Regulatory Affairs to accelerate this review? If so, please provide the name and title of these individuals.
- m. Was the Office of Information and Regulatory informed by any EPA official that Administrator Pruitt would be testifying before Congress one week after submitting this proposed rule?
- n. Office of Information and Regulatory Affairs reviews of similarly complex rules often take months to complete. What specific factors allowed this review to be completed so quickly?
- o. The proposed rule solicits comments in numerous areas, indicating it hopes to develop answers during the regulatory process. Proposals with so many outstanding questions are often released as Advanced Notice of Proposed Rule Makings. Why did EPA propose this as a Notice of Proposed Rulemaking with so many outstanding questions included?
- p. Did the Office of Information and Regulatory Affairs ask EPA to issue an Advanced Notice of Proposed Rulemaking instead? If so, when was this request made and who at OIRA made this request?

2. **OP/ORD** Science Advisory Boards (SAB)

- a. How many current members of EPA Science Advisory Boards are expected to cycle off before the end of this year?
- b. Since joining the agency, has Administrator Pruitt requested EPA career staff in the SAB Staff Office to provide recommendations for board appointments?
- c. If so, how many of those recommendations have been accepted of the total amount of new appointees.
- d. How many EPA Science Advisory Board members have been appointed without input by the SAB Staff Office?
- e. How many issues went before EPA Science Advisory Boards or the Clean Air Scientific Advisory Committee (CASAC) for review in each year for the past five years?
- f. Does the Administrator plan to seek SAB or CASAC review of the recently proposed Strengthening Transparency in Regulatory Science rule?
- g. Does the Administrator plan to seek SAB or CASAC review on any climate change issues?
- h. Does the Administrator plan to seek SAB or CASAC review on any aspect of the long-term economic costs and benefits of any changes that have been made or are being proposed under his tenure at EPA?

3. **OCSPP** The Frank R. Lautenberg Chemical Safety for the 21st Century Act Implementation

- a. What steps has EPA taken to ensure new and existing chemical reviews include explicit considerations to protect vulnerable populations, as required by statute?
- b. In November, Administrator Pruitt and EPA staff attended an American Chemistry Council board meeting on South Carolina's Kiawah Island. The Administrator's schedule contains no details of that weekend. Please provide a list of all companies or lobbyists that met with the Administrator in South Carolina.
- c. Please provide a list of all chemicals specifically discussed at meetings attended by the Administrator at this event.

4. **OCSPP** Formaldehyde Assessment

- a. Earlier this year, Administrator Pruitt was asked by Senator Ed Markey at the Senate Committee on Environment and Public Works hearing on 1/30/18 about the delayed formaldehyde assessment. At that hearing, Administrator Pruitt said, "Senator, I commit to you that I will look into that and make sure your office is aware of what we have and when we can release it." Please provide an update on the status of the formaldehyde assessment.

Answer:

Ex. 5 - Deliberative Process

- b. Has EPA concluded its intra-agency review process?
- c. What additional reviews are needed before it can be finalized?
- d. When does EPA expect the final report to be released?

5. **OP** EPA Year in Review 2017-2018 Report

- a. The "EPA Year in Review 2017-2018" report states, "In year one, EPA finalized 22 deregulatory actions, saving Americans more than \$1 billion in regulatory costs." Please provide a list of each of these actions along with EPA's analysis of the regulatory cost estimate for each action.

6. **OW** Lead and Copper Rule

- a. EPA undertook efforts to revise the Lead and Copper Rule more than 13 years ago. In October 2016, the EPA published a white paper on the revisions that included a pledge to issue a proposed rule by the end of 2017. That deadline has passed. When does EPA expect to issue a proposed rule?
- b. Has EPA conducted any analysis on how the proposed “Strengthening Transparency in Regulatory Science” rule may impact its ability to regulate lead in drinking water?

7. OCSPP PFAS

- a. EPA announced a National Leadership Summit on Per- and Polyfluoroalkyl Substances (PFAS). What options has EPA discussed internally to regulate or reduce PFAS contamination in drinking water?
- b. What options have been discussed by staff of EPA and the Department of Defense?
- c. Has EPA conducted any analysis on how the proposed “Strengthening Transparency in Regulatory Science” rule may impact its ability to regulate PFAS in drinking water?

8. OCFO Funding for the Office of Inspector General

- a. The Fiscal Year 2019 budget request includes a significant proposed cut to the EPA Office of Inspector General (OIG). In November 2017, in OIG’s Semiannual Report to Congress, it was reported that “OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President’s budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million.” In February, the White House requested only \$37.5 million for the OIG. What was the justification for reducing appropriations and FTEs in the FY 2019 budget request for EPA OIG?
- b. Did the EPA defend its \$42 million request to the Office of Management and Budget?

9. OP/AO Freedom of Information Act

- a. It has been reported that political appointees’ role in reviewing documents requested under the Freedom of Information Act has increased significantly during Administrator Pruitt’s tenure. Please describe the process for “awareness reviews” or “senior management reviews” conducted by political appointees before EPA releases documents involving Administrator Pruitt, including the names and titles of all EPA political appointees who participate.
- b. Please explain EPA Chief of Staff Ryan Jackson’s role in conducting awareness reviews. How many FOIA awareness reviews has Mr. Jackson completed, and in how many instances did Mr. Jackson instruct that information be withheld, redacted, or altered prior to public release?

- c. Have any other political appointees ever sought to alter, redact, or withhold portions of a FOIA disclosure following an awareness review?
- d. Please provide the start date, end date, and length of review for all awareness reviews conducted during Administrator Pruitt's tenure at EPA.
- e. Have any of these reviews resulted in a missed FOIA deadline to release documents? If so, please provide details for each instance.
- f. Please explain the rationale for moving the National FOIA office into the Office of General Counsel.
- g. Please explain the role of EPA political appointees Matthew Leopold, Eric Baptist, Marcella Burke, David Fatouhi, and Justin Schwab in the FOIA review process, including any instance where any of these individuals withheld, delayed, redacted, or altered prior to public release?

10. **OP/AO** International Travel

- a. According to EPA emails released under a Freedom of Information Act request, on July 10, 2017, Mr. Matthew Freedman was involved in the planning of the Administrator's potential trip to Australia. Mr. Freedman wrote to EPA staff, "[Richard Smotkin] and I will attend and will be present but will not be listed as members of the delegation." It has been reported that Mr. Richard Smotkin was also involved in the planning of the Administrator's December trip to Morocco. Did Mr. Smotkin meet with Administrator Pruitt or any EPA staff, in official meetings or otherwise, during the Administrator's trip to Morocco?
- b. If so, please provide a full list of meetings between Mr. Smotkin and any EPA officials in Morocco, including any meetings with EPA officials and Moroccan government officials, during official business or otherwise.
- c. Please provide a list of all attendees for any meeting identified in (b).
- d. Recent press accounts indicated Administrator Pruitt and EPA staff missed their connecting flight to Morocco because his security detail's equipment and other gear could not be transferred to the connecting flight in time. This differs from earlier explanations from EPA that the connecting flight was missed due to weather. Please explain why Administrator Pruitt and EPA staff missed their connecting flight.

11. **OP/AO** Security

- a. In March, Administrator Pruitt told CBS News, "The quantity and the type of threats I've faced are unprecedented." These threats have been used to justify costly security measures, including first-class travel and full-time protection by a 20-member security detail. How does EPA catalogue threats against officials, including the Administrator?

- b. What office is primarily responsible for identifying these threats?
- c. What office is primarily responsible for investigating these threats and determining their legitimacy?
- d. Please describe the role in EPA security assessment, investigation, and response of each of the following offices: the Protective Security Detail, the Office of Homeland Security Intelligence Team, the Office of Inspector General, and any other EPA entity that has responsibilities related to the Administrator's security?
- e. If threats are deemed to be serious, are they referred to the FBI or another law enforcement agency outside of EPA?
- f. Which EPA office determines whether or not to refer threats?
- g. On how many occasions did such a referral occur in 2017 and 2018?
- h. What spending decisions related to security require sign-off by the head of the Administrator's security detail?
- i. When did Mr. Nino Perrotta take over the role referenced in (h)?
- j. Before Mr. Perrotta took over this role, who was responsible for those duties?
- k. Why and when was the previous head of the Administrator's security detail removed from that position?
- l. If that employee continued to work at EPA, to where was he reassigned and what is his current employment status?
- m. How many EPA security officials hit the \$160,000 annual salary cap due to overtime last year?
- n. How does that compare to each of the previous 5 years?
- o. On May 1, 2017, Mr. Perrotta sent a memorandum requesting Administrator Pruitt be seated in first or business class on official travel. On how many instances before this memorandum did the Administrator travel in first or business class on official travel?
- p. On how many instances after this memorandum did the Administrator travel in first or business class on official travel?
- q. How many times and on what dates did EPA security officials travel with the Administrator for nonofficial business, where the Administrator paid for his own travel expenses?

[PAGE * MERGEFORMAT]

- r. What was the total cost for security officials' airfare, hotel, and per diem for each of these instances?
- s. Which EPA employee(s) approved the EPA payment to Mrs. Vicki Hart to compensate for a broken door at her condo?
- t. Was Administrator Pruitt involved with or notified about that payment?
- u. It has been reported that EPA entered into a new vehicle lease for a Chevrolet Suburban at \$10,200 annually. This lease was reportedly for a more upscale LT model, instead of the LS model typically leased and included monthly charges of \$300 for luxury upgrades. What were the terms and rate of the previous vehicle used by the Administrator, and what was the rationale for these upgrades?

12. **OP/AO** The Administrator's Housing Arrangement

- a. It has been reported that the Administrator's original lease with Mrs. Vicki Hart ended at the end of April 2017, but he did not move out of that condo until later in the year. What were the terms of extending the lease?
- b. On what date did Administrator Pruitt move out of the condo owned by Mrs. Hart?

The Honorable David Loeb sack

Administrator Pruitt, as I indicated to you at the hearing, I have a lot of concerns about the way in which the small refinery exemptions within the Renewable Fuel Standard (RFS) program have been handled by the Environmental Protection Agency (EPA). There needs to be much more transparency and public accountability in the with respect to the small refinery waiver exemptions. Please provide responses to the following questions regarding small refinery exemptions within the RFS.

- 1. **OAR** What is the total number of refinery waiver applications that EPA received in each year from 2013 through 2017?
- 2. **OAR** For each year from 2013 through 2017, how many waivers did the EPA grant?
- 3. **OAR** What companies have received waivers for each year from 2013 through 2017?
- 4. **OAR** What is the total volume of biofuel obligation represented by the waivers granted for each year 2013 through 2017?
- 5. **OAR** What is the EPA process for confirming that each applicant falls beneath the 75,000-barrell throughput capacity?

6. **OAR** Please confirm how the gallons waived under the small refinery exemption process are handled. Are the gallons reassigned to remaining obligated parties for blending? Are they reassigned within the same compliance year? If they are not reassigned to the remaining obligated parties, what is the disposition of those gallons relative to the overall renewable volume obligation set in the annual rule?
7. **OAR** Did you inform President Trump or White House staff of the unusually large number of small refinery exemptions EPA was granting and of the potential effects on the renewable fuel market of exempting additional gallons and facilities and the fact that these actions would not be well received by the agricultural community?
8. **OAR** EPA claimed recently that the Agency did not change the criteria for granting exemptions from those used in past years. Yet, numerous press reports indicate the Agency has granted almost double the amount of waivers than have been granted in past years. What is your explanation for the Agency's granting of an unusually high number of waivers under this program as compared to past years? If the Agency is applying different criteria, please provide an explanation of the changes and the justification for initiating the new criteria.
9. **OAR** Did EPA consult with the Department of Energy on each of the applications for a small refinery exemption for 2016 and 2017? For how many of the applications reviewed by DOE for these two compliance years did EPA disagree with DOE's recommendation to grant or deny the exemption?

The Honorable Joseph Kennedy, III

1. **OPA/AO** What precipitated the need for a secure phone booth inside of your office? You repeatedly have placed blame at the feet of your staff for the exorbitant \$43,000 cost of the phone booth, but it was you yourself who instructed your staff to find a way to create a secure communications line in your office in the first place. Why do you need that secure line? What is the nature of the phone calls you are making that require an additional "secure" phone line while already in the privacy of your own office? If your office does not provide sufficient privacy, why is one of the two Secure Compartmented Information Facilities (SCIFs) inside the EPA headquarters not sufficient?

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Bill Johnson

1. **OAR** I know that the EPA has expressed interest in finding a resolution to some of the concerns regarding EPA's current brick MACT rule which was issued in 2015. Would you commit to working with me and this committee in providing further information on this work and any potential possibilities?

The Honorable Bill Flores

As the American people are well aware, the EPA under the Obama administration abused environmental regulatory process by ignoring congressional statutes any by circumventing the U.S. Constitution. Fortunately, the federal court system stepped in to protect American families from this abuse of the law. In this regard I have the following questions:

1. **OGC/OP** Can you provide this committee with a list of those overreaching and overturned regulations that were overturned by the court systems?
2. **OGC/OP** Can you provide this committee with the economic cost of those overturned regulations?
3. **OGC/OP** Can you also inform the committee about EPA's actions, if any, to modify those regulations so those overreaching regulations to conform with the rule of law?

The Honorable Richard Hudson

1. **OCSPP** Was GenX used in a manner that was incompatible with the consent agreement under the Toxic Substances Control Act?

The Honorable Doris O. Matsui

1. **OAR** You said the EPA has data supporting your decision to revise emission standards for light duty vehicles. Will you commit to providing that data to both side of the committee?

The Honorable John P. Sarbanes

1. Did Carl Ichan's company apply for a waiver from ethanol blending requirements for any of its refining facilities?
2. Did Carl Ichan's company receive a waiver for any of its refining facilities?

The Honorable Tony Cardenas

1. In regard to your lease, can you provide the written statement from the attorneys after reviewing it?

The Honorable Debbie Dingell

1. In regard to the January 25, 2018 guidance to reverse the longstanding once in, always in policy for major sources of hazardous air pollutants, did EPA determine the location of these sources?
2. Yes or no, did EPA conduct an analysis of the health effects including the potential increased risk of cancer of this decision before releasing the January 25th guidance memo?
3. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on children, babies, or pregnant women before releasing the January 25th?
4. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on older Americans or those with chronic health problems before releasing the January 25th guidance?
5. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on minority and low-income communities before releasing the January 25th?

Senate Committee on Environment and Public Works
“Oversight Hearing to Receive Testimony from Environmental Protection Agency
Administrator Scott Pruitt”
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. **OAR:** At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA’s “one-size-fits-all” model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA’s action in a recent letter to you on January 19, 2018 (attached).

In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states “early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS.” Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

2. **OAR:** During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA’s decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming’s 46 petitions that I highlighted?
3. **OW:** As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, “were viable from a factual, scientific, analytical, or legal basis” and “it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule....”

How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

4. **OAR:** Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

5. **OW:** Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: “In light of EPA’s new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected.”

I support EPA’s commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

6. **OAR:** Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation’s (DOT) National Highway Traffic Safety Administration (NHTSA).

In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA’s decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

7. **OAR:** In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it “could consider the

availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority.” About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.

- a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
 - b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
 - c. How does relying on imported biodiesel advance the Renewable Fuel Standard’s purported objective of improving U.S. energy security?
8. **OLEM:** On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA’s plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,¹ in accordance with a 2005 Consent Decree signed by GE and the EPA.² In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE’s submission of the completion report.³ That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?
9. **ORD:** In December 2017, EPA announced “a cross-agency effort to address per and polyfluoroalkyl substances (PFAS).”
- a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA’s cross-agency effort?
 - b. Will EPA provide the public with updates on EPA’s progress and an opportunity to comment on EPA’s work? If so, when do you anticipate this taking place?
 - c. How will EPA’s cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

¹ “EPA is currently reviewing GE’s Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016.” Proposed Second Five Year Review Report (2017) at pg. 20 ([[HYPERLINK "https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf"](https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)])

² See Consent Decree ([[HYPERLINK "https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf"](https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)])

³ Consent Decree (Pgs. 40-41): paragraph 57.b (GE “shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA’s Certification of Completion of the Remedial Action”); 57.d (“If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing”); 57.e (“EPA will respond to such request [for Certification] no later than 365 days after EPA’s receipt of the request”)

Ranking Member Carper:

10. **ORD:** EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
- I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?
 - If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?
 - If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.
 - Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.
11. **ORD:** From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.
12. **ORD:** The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
- Please provide me with a copy of the document that captures these revisions.
 - Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential⁴."
13. **ORD:** Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?
14. **OCSP:** When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost

⁴ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf"]

certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that “It’s my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding.” I believe you may have been referring to the *remaining* uses of these chemicals (i.e. the uses of the chemicals that are not covered by the proposed bans), which are on EPA’s priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

15. **OGC/OPA:** According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide “adequate notice” when “substantially modifying, or terminating significant information dissemination products.” On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
 - a. Please describe the “adequate notice” that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.
 - b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.
16. **OGC/OPA:** On March 24, 2017, you issued an agency-wide memorandum⁵ on implementation of Executive Order 13777⁶, which announced members of EPA’s Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA’s Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations⁷. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
 - a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

⁵[HYPERLINK "<https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda>"]

⁶ [HYPERLINK "<https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda>"]

⁷ [HYPERLINK "<https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations>"]

- b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.
 - c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.
 - d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the [HYPERLINK "https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0190"]).
17. **OGC/OPA:** The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of “unusual circumstances,” EPA’s failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
- a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA’s failure to comply with FOIA’s deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.
 - b. Does EPA follow the “rule of three,”⁸ which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.
 - c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.
18. **OGC/OPA:** During the hearing Senator Duckworth asked for “a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed.” You agreed to provide those documents. Since then, a report⁹ detailed taxpayer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
- a. Date of the flight, the departure city and airport, and destination city.
 - b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
 - c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).

⁸ [HYPERLINK "https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information"]

⁹ https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

- d. For each non-commercial flight, please explain why a non-commercial flight was selected.
 - e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
 - f. Copies of all receipts of air travel for you and your accompanying staff.
 - g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.
19. **OAR:** During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a “very important criteria pollutant” that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study¹⁰ found that PM2.5 “was the fifth-ranking mortality risk factor in 2015,” and contributes to nearly 90,000 deaths in the US every year.¹¹
- a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
 - b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
 - c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
 - d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for “misconduct in research” by Tennessee Tech University?¹² This is the same study that was included in the glider industry’s petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA’s November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA’s November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?
20. **OAR:** In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was “in the process of designating attainment and non-attainment [areas] with respect to ozone.” You went on to state, “when you think about

¹⁰ [HYPERLINK "<https://www.ncbi.nlm.nih.gov/pubmed/28408086>"]

¹¹ “Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015.” See Table 2.

¹² [HYPERLINK "<http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943>"]

ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised.”

- a. Do you agree with EPA’s conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
 - b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
 - c. Do you agree with EPA’s assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
 - d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?
21. **OAR:** Under Clean Air Act section 111, can EPA base emissions guidelines on a “best system of emission reduction,” if application of the measures comprising that best system of emission reduction would result in a source increasing total emissions of the regulated pollutant? Why or why not?
22. **OAR:** In determining the “best system of emission reduction” under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?
23. **OAR:** The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, “GHGs”)—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.¹³ Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?
24. **OAR:** Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.
25. **OGC/OPA:** According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases “outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire

¹³ See 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).

history.”¹⁴ According to the NCA, “Numerous fire models project more wildfires as climate change continues,” including “up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century.”¹⁵ The NCA calls conifer forests in southern California “notably threatened” by the climate change caused by heat-trapping gases. According to the Trump Administration’s NCA, California is also at extraordinary risk from sea-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports “are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years” Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).¹⁶ Severe heat waves such as the 10-day California heat wave of 2006 trigger “escalating effects” that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

- a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration’s NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
- b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

26. **OAR:** Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or “reforms” to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

27. **OAR:** Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic,

¹⁴ NCA at p. 468, available at [[HYPERLINK](#)

"http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf"].

¹⁵ NCA at p. 468, available at [[HYPERLINK](#)

"http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf"].

¹⁶ NCA at 471.

and environmental benefits that would have resulted from Clean Power Plan.

28. **OGC/OPA:** In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
- Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
 - Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.
29. **OAR:** How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.
30. **OAR:** Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
- How many coal mines have closed or gone bankrupt since you became EPA Administrator?
 - Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?
31. **OAR:** I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.
- Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?
 - In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

- c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?
 - d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?
 - e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?
32. **OAR:** Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?
33. **OW:** Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?
34. **OW:** The Obama Administration implemented its definition of “Waters of the United States” for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?
35. **OW:** In an interview with the National Cattlemen’s Beef Association, you said that, “The Obama Administration reimagined their authority under the Clean Water Act and defined a ‘water of the United States’ as being a puddle . . .”¹⁷ The Obama Administration rule expressly exempts “puddles” from the definition of “waters of the United States?” See 33 C.F.R. §328.3(b)(4)(vii).
- a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
 - b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.
36. **OW:** You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a ‘water of the United States’ as being . . . ephemeral drainage ditches.”¹⁸ The Obama Administration rule expressly exempts “[d]itches with

¹⁷ “EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments,” [[HYPERLINK](https://www.youtube.com/watch?v=vTVd54WyhDQ) "https://www.youtube.com/watch?v=vTVd54WyhDQ"].

¹⁸ “EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments,” [[HYPERLINK](https://www.youtube.com/watch?v=vTVd54WyhDQ) "https://www.youtube.com/watch?v=vTVd54WyhDQ"].

ephemeral flow that are not a relocated tributary or excavated in a tributary” “puddles” from the definition of “waters of the United States?” *See* 33 C.F.R. §328.3(b)(3)(i).

- a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
 - b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.
37. **OW:** What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?
38. **OW:** The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?
39. **OW:** EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company’s revenue.
 - a. Do you disagree with those figures? If so, explain your disagreement.
 - b. To what extent did you consider the EG’s extensive public health benefits when deciding to delay the compliance deadlines?
 - c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.
40. **OGC/OPA:** The Safe Drinking Water Act permits EPA to “fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws.” 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: “EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions.” Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
 - a. What is EPA’s policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

- b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?
 - c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.
 - d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.
41. **OGC/OPA:** In response to questions from Senator Merkley, you testified that a “Red Team / Blue Team” exercise to re-examine the underpinnings of climate science is still “under consideration” at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has “reached out to the Heartland Institute to help identify scientists who could constitute a red team,” and the Heartland Institute had been “happy to oblige.”¹⁹
- a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
 - b. Have representatives of the Heartland Institute provided representatives of EPA with a list of “scientists who could constitute a red team”? If yes, who are the Heartland Institute’s proposed participants?
 - c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.
 - d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
 - e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the “Red Team/Blue Team” climate science effort.
42. **OGC/OPA:** A press report indicates that EPA’s Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator’s office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator’s office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

¹⁹ <http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124>

43. **OLEM:** A recent report²⁰ indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
- a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
 - b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.
44. **OW:** The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?
45. **OAR:** Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.²¹ Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,²² to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."²³

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

²⁰ http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

²¹ 80 Fed. Reg. 21,302 (Apr. 17, 2015).

²² See, e.g., Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, available at [HYPERLINK "<https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma>"].

²³ https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

46. **OAR:** Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.
47. **OAR:** Section 2301 of the WIIN Act²⁴ allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?
48. **OECA:** As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.
49. **OAR:** For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
- a. The site's name;
 - b. The site's location;
 - c. The amount of coal ash disposed of in the site;
 - d. The number of people living within 3 miles; and
 - e. Any waterbodies or public water supplies located within 3 miles of the site.
50. **OAR:** One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

Senator Booker:

51. **OLEM:** The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
- a. Do you agree that EPA must design Superfund remedies that account for climate change?

²⁴ Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

- b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
 - c. Can you please specify any additional resources that EPA may need to help remediate these sites?
52. **OLEM:** On May 22, 2017, the Superfund Task Force was established to "provide recommendations...on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.
- a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
 - b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.
53. **OLEM:** In response to the [[HYPERLINK "https://www.epa.gov/newsreleases/epa-announces-superfund-task-force-recommendations"](https://www.epa.gov/newsreleases/epa-announces-superfund-task-force-recommendations)] issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
- a. How did you pick the sites to include on these lists? What specific criteria did you use?
 - b. What process do you intend to use in removing and adding sites to these lists?
 - c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?
 - d. Do you plan to release a report or follow up on the progress made at the sites on these lists?
54. **OLEM:** The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?
55. **OGC/OPA:** When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of \$125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
- a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."

- i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
 - ii. If so, what is the nature of these responsibilities?
 - iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
 - b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
 - c. Were you aware of the FDIC investigations when you named him as Senior Adviser?
56. **OGC/OPA:** Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about \$2 billion to about \$1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require “direction and leadership.” The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.
- a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
 - i. What experience did he have that you believe qualified him to serve as Chair?
 - ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
 - b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
 - c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?
57. **OCSPP:** When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?
58. **OGC/OPA:** Despite proposing drastic cuts to EPA’s budget, you are spending taxpayer dollars on questionable expenses such as paying \$25,000 to install a custom-made, soundproof phone booth in your office.
- a. Have you used this \$25,000 phone booth for any calls with representatives of oil and gas companies?
 - b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

59. **OGC:** Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

Senator Boozman:

60. **OLEM:** Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

Senator Ernst:

61. **OAR:** In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.
62. **OAR:** Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.
63. **OAR:** How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?
64. **OCSP:** The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided \$1 million annually in worker protection and pesticide safety training.

PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

- a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?
- b. What would be the impact to farmers across my state and the country?

Senator Fischer:

- 65. **OAR:** In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?
- 66. **OAR:** How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?
- 67. **OAR:** If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?
- 68. **OAR:** I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

69. **OAR:** When does EPA anticipate completing this review, and what does it hope to accomplish through this review?
70. **OAR:** What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

Senator Markey:

WEBSITE

71. **OGC/OPA:** In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."²⁵ Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."²⁶ However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
- How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
 - How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
 - Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.
72. **OGC/OPA:** The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated [...] We

²⁵ "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. [HYPERLINK "<https://www.epa.gov/aboutepa/our-mission-and-what-we-do>"]

²⁶ 44 USC § 3506(d)(3)

are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."

- a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from [HYPERLINK "http://www.epa.gov"] and the changes made on those that remain in an altered form.
- b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from [HYPERLINK "http://www.epa.gov"].
- c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

ENFORCEMENT

73. **OECA:** Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than \$100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around \$25,000 with no commitment to install additional technology.²⁷

According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.²⁸

- a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.
- b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

²⁷ Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. [HYPERLINK "<https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-Is-Winning-Battle-Against.html>" \ "document/p1/a356485"]

²⁸ Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. [HYPERLINK "<https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>"]

74. **OECA:** The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.²⁹ According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
- a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?
 - b. Of the cases included in the FY17 reporting, what percentage of civil and criminal cases, inspections/evaluations, complaints, and orders were initiated, opened, or filed after January 20, 2017?
75. **OECA:** The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
- a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates [...] especially enforcement actions to address environmental violations?"³⁰
 - b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

CLIMATE IN DRAFT STRATEGIC PLAN

76. **OGC/OPA:** You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."³¹ With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."³² But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the

²⁹ "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. [HYPERLINK "<https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017>"]

³⁰ "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. [HYPERLINK "<https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf>"]

³¹ Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. [HYPERLINK "<http://www.nationalreview.com/article/435470/climate-change-attorneys-general>"]

³² DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. [HYPERLINK "<https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html>"]

observed warming since the mid-20th century.”³³ Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.

- a. Do you disagree with the conclusion made in the Climate Science Special Report by our country’s top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with “no convincing alternative explanation”?

77. **OGC/OPA:** Despite these findings, and the conclusion that “[c]hanges in the characteristics of extreme events are particularly important for human safety,”³⁴ climate change did not appear in the EPA’s Strategic Plan for 2018-2022, as published on February 12, 2018.

- a. Why does climate change not appear in the draft plan?
- b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

PERSONNEL

78. **OCFO:** In the FY19 budget request, Science and Technology funding was cut from \$708,975,000 in the FY 2018 annualized CR to \$448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.

- a. How many full-time scientists will be supported at the EPA by the FY19 budget request?
- b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the “ad hoc” efforts described in the Budget in Brief?

TOXIC CHEMICALS

79. **OCSP:** During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.

- a. What date was the draft assessment completed by EPA staff?
- b. What is the exact timeline for public release?
- c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

80. **ORD:** The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation’s public health and environment. However,

³³ Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) “Climate Science Special Report.” U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. [[HYPERLINK "https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf"](https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf)]

³⁴ Ibid.

there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.

- a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?
- b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.
- c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

Senator Merkley:

81. **ORD:** Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: [[HYPERLINK "https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf" \]](https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf)).
- a. What is the legal basis for this new directive?
 - b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
 - c. How do you define conflicts of interest within the EPA advisory committees?
 - d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
 - e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
 - f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
 - g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?
82. **ORD:** The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?
83. **ORD:** You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over \$58 million in grants

while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

84. **ORD:** You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?
85. **ORD:** In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued \$77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.
86. **ORD:** During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of..." the EPA (Link: [[HYPERLINK "https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf"](https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf)]). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?
87. **ORD:** The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:[[\| ".WnDaRq6nFhF" \] \] from attending, in direct conflict with the agency's scientific integrity policy.](https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being)
- Did you realize that this decision was in violation of the policy?
 - Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?
 - In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

88. **OAR:** You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.
89. **OCSPP:** Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.
90. **OCSPP:** During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?
91. **OGC/OPA:** EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?
92. **OGC/OPA:** According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?
93. **OGC/OPA:** While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
- What was Dr. Dourson's job title and type of appointment?
 - Whom did he supervise?
 - Did you delegate any duties of the OCSPP to him? If so, what were they?
 - What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?
 - What monetary and non-monetary compensation did Dr. Dourson receive while he was employed at EPA?
 - Please provide Dr. Dourson's daily schedule while he was at EPA.
94. **OAR:** You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and

settlement agreements. However, EPA has been making “policy decisions” of late that do just that--circumvent the rulemaking process. EPA’s January 25 guidance allowing the downgrade of source status from “major” to “area” has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.

a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

95. **OAR:** Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.
96. **OGC:** Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?
97. **OGC:** In your Sue and Settle directive, you issued a memo to EPA managers ([
HYPERLINK "https://www.epa.gov/sites/production/files/2017-10/documents/signed_memo_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf"]) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA’s Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?
98. **OGC/OPA:** It has been reported that the grant review process at EPA has been captured by political appointees.
- a. Can you please describe how the EPA is currently reviewing grants?
- b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

Senator Sanders:

Climate Change

99. **OGC/OPA:** During a recent interview with KSNV TV, you stated:

“Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I

think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100 would threaten insured properties in U.S. Northeast coastal communities valued at \$4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

Lead

100. **OW:** You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning.

According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

101. **OW:** In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as \$30 billion or maybe upward of \$50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over \$275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

EPA Website

102. **OGC/OPA:** On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.

Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

103. **OGC/OPA:** On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the

EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

"How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

104. **OAR:** Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

Renewable Energy

105. **OGC/OPA:** In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

"I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

Senator Van Hollen:

106. **OCSP:** You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today – that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, “shall issue an order” regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, [[HYPERLINK "https://www.cbsnews.com/news/scott-pruitt-says-industry-is-necessary-partner-for-environmental-protection/"](https://www.cbsnews.com/news/scott-pruitt-says-industry-is-necessary-partner-for-environmental-protection/)] that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

107. **OGC/OPA:** I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine’s impact on the region’s world-class fisheries and natural resources. Given EPA’s role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA’s valuable feedback, would you object to efforts to roll back EPA’s responsibilities to provide input on infrastructure projects?

Senator Wicker:

108. **OAR:** Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?